UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

MAILED

AUG 11 2010

OFFICE OF PETITIONS

In re Application of :
Chun-Leon Chen :
Application No. 12/487,505 : DECISION ON PETITION
Filed: June 18, 2009 : TO WITHDRAW
Attorney Docket No. **4608-0061** : 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 6, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Christopher S. Tuttle or any attorneys/agents associated with Customer Number 50488 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

| | |
|---|---|
| **Doc Code: PET.AUTO**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12487538 |
| Filing Date | 18-Jun-2009 |
| First Named Inventor | Justin Reed |
| Art Unit | 3777 |
| Examiner Name | HIEN NGUYEN |
| Attorney Docket Number | LEBE0003 |
| Title | ULTRASOUND BASED COSMETIC THERAPY METHOD AND APPARATUS |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25268

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

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 | Alexander Lebedev JeNu Biosciences, Inc. |
| Address | 3911 NE Belvoir Place |
| City | Seattle |
| State | WA |
| Postal Code | 98105 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /ron anderson/ |
| Name | Ronald M. Anderson |
| Registration Number | 28829 |

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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Decision Date : August 4,2011

In re Application of :

Justin Reed

Application No : 12487538

Filed : 18-Jun-2009

Attorney Docket No : LEBE0003

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 4,2011

The request is **APPROVED.**

The request was signed by Ronald M. Anderson (registration no. 28829 ) on behalf of all attorneys/agents associated with Customer Number 25268 . All attorneys/agents associated with Cusotmer Number 25268 have been withdrawn.

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

| | |
|---|---|
| Name | Alexander Lebedev |
| Name2 | JeNu Biosciences, Inc. |
| Address 1 | 3911 NE Belvoir Place |
| Address 2 | |
| City | Seattle |
| State | WA |
| Postal Code | 98105 |
| 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

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LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON, TX 77002-3095

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Ajay V. Kulkarni :
Application No.: 12/487,561 : ON PETITION
Filed: June 18, 2009 :
Attorney Docket No.: 0016422-252US :

This is a decision on the petition, filed August 26, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. David L. Terrell 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.

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 27, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

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

The application is being referred to Technology Center AU 4127 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

**MAILED**

MAR 12 2012

**OFFICE OF PETITIONS**

In re Application of :
Ajay V. Kulkarni :
Application No. 12/487,561 : DECISION ON PETITION
Filed: June 18, 2009 : TO WITHDRAW
Attorney Docket No. **0016422-252US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 7, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71* or, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain

of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Decision Date : September 29,2011

In re Application of :

Tetsuya Takeuchi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12487619

Filed : 18-Jun-2009

Attorney Docket No : 03560.145777.1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 29,201,1to 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 2828 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/140<br>U.S. Patent and Trademark Office<br>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 | 12487619 |
| Filing Date | 18-Jun-2009 |
| First Named Inventor | Tetsuya Takeuchi |
| Art Unit | 2828 |
| Examiner Name | JOSHUA KING |
| Attorney Docket Number | 03560.145777.1 |
| Title | RED SURFACE EMITTING LASER ELEMENT, IMAGE FORMING DEVICE, AND IMAGE DISPLAY APPARATUS |

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<br><br>◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)<br><br>◯ 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.<br><br>☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :<br>The RCE request ,submission, and fee have already been filed in the above-identified application on<br><br>☒ Are attached. |
| THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES<br><br>I certify, in accordance with 37 CFR 1.4(d)(4) that I am:<br><br>◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.<br><br>◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.<br><br>◯ A sole inventor<br><br>◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors<br><br>◯ A joint inventor; all of whom are signing this e-petition<br><br>◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71 |

| | |
|---|---|
| Signature | /Christopher M. Barkley/ |
| Name | Christopher M. Barkley |
| Registration Number | 64329 |

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No**.:20120405

**DATE** : April 04, 2012

**TO SPE OF** : ART UNIT 2833

**SUBJECT** : Request for Certificate of Correction on Patent No.: 8125095

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
**Certificates of Correction Branch - ST (South Tower) 9A22**
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance** **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

**Comments:**

/Amy Cohen Johnson/
Supervisory Patent Examiner.Art Unit 2833

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

MAILED

DEC 13 2010

OFFICE OF PETITIONS

Applicants: Silence, et al.
Appl. No.: 12/487,684
Filing Date: June 19, 2009
Title: POLYPEPTIDE CONSTRUCTS FOR INTRACELLULAR DELIVERY
Attorney Docket: A0848.70004US01
Pub. No.: US 2010/0021459 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 March 1, 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 in dependent claim 66 may be an Office error, but it is not a material Office error under 37 CFR .1221(b). The claim 1 includes a second dependency, which is 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

[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."

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

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

| | |
|---|---|
| **Doc Code: PET.AUTO**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12487696 |
| Filing Date | 19-Jun-2009 |
| First Named Inventor | Divyasimha Harish |
| Art Unit | 2855 |
| Examiner Name | MAX NOORI |
| Attorney Docket Number | 00008.00051US1 |
| Title | RESISTIVE FORCE SENSING DEVICE AND METHOD WITH AN ADVANCED COMMUNICATION INTERFACE |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55952

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 | YPoint Capital, Inc. |
| Address | 997 Hunter Lane |
| City | Fremont |
| State | CA |
| Postal Code | 94539 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /Raj Abhyanker/ |
| Name | Raj Abhyanker |
| Registration Number | 45474 |

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : April 19,2011

In re Application of :

Divyasimha Harish

Application No : 12487696

Filed : 19-Jun-2009

Attorney Docket No : 00008.00051US1

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 April 19,2011

The request is **APPROVED.**

The request was signed by Raj Abhyanker (registration no. 45474 ) on behalf of all attorneys/agents associated with Customer Number 55952 . All attorneys/agents associated with Cusotmer Number 55952 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 YPoint Capital, Inc.
Name2
Address 1 997 Hunter Lane
Address 2
City Fremont
State CA
Postal Code 94539
Country US

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

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

Office of Petitions

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MAILED
AUG 09 2011
OFFICE OF PETITIONS

PAUL D YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT 377/AP6A
ABBOTT PARK IL 60064-6008

In re Application of :
Fritchie, et al. :
Application No. 12/487,716 : ON PETITION
Filed: June 19, 2009 :
Attorney Docket No. 10063US01 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 20, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed January 11, 2011. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on April 12, 2011. The Office mailed a Notice of Abandonment on July 21, 2011.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1110.00 extension of time fee submitted with the petition on July 20,

2011 was subsequent to the maximum period obtainable for reply (July 11, 2011), this fee has been refunded to petitioner's Deposit Account 01-0025.

The application is being forwarded to Group Art Unit 1772 for consideration of the Amendment, filed July 20, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**ALSTON & BIRD LLP**
**BANK OF AMERICA PLAZA**
**101 SOUTH TRYON STREET, SUITE 4000**
**CHARLOTTE, NC 28280-4000**

MAILED
MAY 24 2011
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| McGonigle et al. | : | DECISION ON PETITION |
| Application No. 12/487,768 | : | TO WITHDRAW |
| Filed: June 19, 2009 | : | FROM RECORD |
| Attorney Docket No. BB1620 USNA | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 25, 2011, 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 Alston & Bird LLP 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 Alston & Bird LLP not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the address listed below 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

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951

UNITED STATES PATENT AND TRADEMARK OFFICE

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**FANELLI HAAG PLLC**
**1909 K STREET, N.W., SUITE 1120**
**WASHINGTON DC 20006**

MAILED

OCT 17 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| KIEF | : | |
| Application No. 12/487,886 | : | DECISION ON PETITION |
| Filed: May 19, 2009 | : | TO WITHDRAW |
| Attorney Docket No. 016915-0359 | : | 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 29, 2011.

The request is **NOT APPROVED.**

The Office will not accept address changes to a new practitioner 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 to a new representative who has not filed a proper power of attorney. All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of :
Shota Mori :
Application No.: 12/487,887 : ON PETITION
Filed: June 19, 2006 :
Attorney Docket No.: 1046.1492 :

This is a decision on the petition, filed January 27, 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 December 27, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

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

The application is being referred to Technology Center AU 3663 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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

**MAILED**

MAR 20 2012

**OFFICE OF PETITIONS**

In re Application of
Shota Mori
Application No. 12/487,887
Filed: June 19, 2009
Attorney Docket No. 1046.1492

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed March 9, 2012.

The request is **DISMISSED**.

Applicant files the above request for refund and asserts that "Fee Code 1464, Petition (Group III), in the amount of $130.00; and Fee Code 1801, Request for Continued Examination (RCE), in the amount of $930.00 was charged twice to applicant's credit card account instead of the above fees charged once."

However, a review of Office finance records show that a total of $1,060.00 ($930.00 + $130.00) was refunded back to applicant's credit card account on January 31, 2012.

In view of the above, the request for refund is dismissed.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MACMILLAN, SOBANSKI & TODD, LLC**
**ONE MARITIME PLAZA-FIFTH FLOOR**
**720 WATER STREET**
**TOLEDO OH 43604**

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Torbjorn Linder et al. :
Application No. 12/487,986 : ON PETITION
Filed: June 19, 2009 :
Attorney Docket 01-29457 :

This is a decision on the petition under 37 CFR 1.182, October 14, 2011, to change the name of one of the inventors.

The petition is **GRANTED**.

The name of the inventor has been changed from **Torbjorn Andersson** to **Torbjorn Linder**.

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

The application file is being referred to Technology Center 3636.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|---|---|---|---|---|---|---|
| 12/487,986 | 06/19/2009 | 3636 | 1090 | 01-29457 | 9 | 2 |

**CONFIRMATION NO. 8425**

**CORRECTED FILING RECEIPT**

27377
MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Date Mailed: 10/24/2011

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

**Applicant(s)**

Torbjorn Linder, Trollhattan, SWEDEN;
Klaus Boes, Allershausen, GERMANY;

**Assignment For Published Patent Application**

Lear Corporation, Southfield, MI

**Power of Attorney:** The patent practitioners associated with Customer Number 27377

**Domestic Priority data as claimed by applicant**

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
GERMANY DE 102008038380.5 08/19/2008

**If Required, Foreign Filing License Granted:** 07/01/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/487,986**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

ALIGNMENT SYSTEM FOR A SPACER LAYER IN A VENTILATED SEAT

**Preliminary Class**

297

## 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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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/487,988 | 06/19/2009 | Rebecca Jaine Davies | 343134US0CONT | 8436 |

7590 06/15/2011

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

| EXAMINER | |
|---|---|
| ALSTRUM ACEVEDO, JAMES HENRY | |
| **ART UNIT** | **PAPER NUMBER** |
| 1616 | |
| **NOTIFICATION DATE** | **DELIVERY MODE** |
| 06/15/2011 | 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 30 2012

OFFICE OF PETITIONS

**SCULLY SCOTT MURPHY & PRESSER, PC**
**400 GARDEN CITY PLAZA**
**SUITE 300**
**GARDEN CITY NY 11530**

In re Application of : DECISION ON REQUEST TO
Masashi YAMADA : PARTICIPATE IN PPH PROGRAM
Application No. 12/488,010 : AND PETITION TO MAKE SPECIAL
Filed: June 19, 2009 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 24228 :
For: ULTRASOUND SURGICAL APPARATUS AND CALIBRATION METHOD THEREFOR

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 21, 2011 and further supplemented November 16, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "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 validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/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.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 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 3731 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SMITH HOPEN, PA
180 PINE AVENUE NORTH
OLDSMAR, FL 34677

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
William Eng :
Application No. 12/488,048 : DECISION ON PETITION
Filed: June 19, 2009 : TO WITHDRAW
Attorney Docket No. **5019.01** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 27, 2011.

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 21901 has been revoked by the applicants of the patent application on June 20, 2011. 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: Caroline Wei-Berk
4532 W. Kennedy Blvd
#339
Tampa FL 33609

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DW Nov-10

HENKEL CORPORATION
ONE HENKEL WAY
ROCKY HILL CT 06067

MAILED

NOV 15 2010

OFFICE OF PETITIONS

| | |
|---|---|
| In re Application of | : |
| Monnet et al. | : DECISION NOTING JOINDER |
| Application Number: 12/488087 | : OF INVENTOR AND |
| Filing Date: 06/19/2009 | : PETITION UNDER |
| Attorney Docket Number: H 7414 US | : 37 CFR 1.47(a) MOOT |
| | : |

Papers filed on September 2, 2010, in response to the decision dismissing petition mailed on March 3, 2010, included a four (4) month extension of time and a Declaration signed by the previously non-signing inventors, in compliance with 37 CFR 1.63.

The petition is **dismissed as moot**.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LORD CORPORATION
PATENT & LEGAL SERVICES
111 LORD DRIVE
P.O. Box 8012
CARY NC 27512-8012

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Catanzarite, et al. :
Application No. 12/488,194 : ON PETITION
Filed: June 19, 2009 :
Attorney Docket No. P6892US01/IR3362DIV :
For: FURNITURE SEATBACK TILT RECLINE ANGLE LIMITER AND METHOD

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

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

This application became abandoned for failure to timely reply to the Restriction Requirement, mailed May 17, 2010, which set a one month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on June 18, 2010. A Notice of Abandonment was mailed on November 29, 2010.

Applicants have submitted a proper reply to the Restriction Requirement in the form of an election, an acceptable statement of the unintentional nature of the delay in responding to the Restriction Requirement, and the $1.620.00 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 Technology Center AU 3636 for consideration of the election filed on November 29, 2010.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.**:20110601-A

**DATE** : June 01, 2011

**TO SPE OF** : ART UNIT 3644

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,921,815

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
**Certificates of Correction Branch - ST (South Tower) 9A22**
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance** **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

**Comments:**

The examiner renumbered the original claims as follows original-final: 1-1; 2-2; 3-5; 4-3; 5-6; 6-7; 7-8; 8-9; 9-10; 10-12; 11-13; 12-14; 13-4; 14-15; 15-10; 16-16;17-17; 18-18 as per 37 CFR 1.126. Absent any showing that the text of the finally numbered claims are incorrect this CofC must be denied.

/MICHAEL CARONE/
Supervisory Patent Examiner.Art Unit 3641

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed : June 28, 2011

Patent No. :7921815
Inventor :Timothy J. Moran
Patent Issued :April 12, 2001
Title :TETHER RESTRAINT APPARATUS AND METHOD

Re: Request for Certificate of Correction

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

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to the claims; the changes as presented are not warranted. The examiner renumbered the original claims as follows original-final: 1-1; 2-2; 3-5;, 4-3; 5-6;6-7;7-9;8-0;9-10; 10-12; 1113; 12-14; 13-4; 14-15; 15-10; 16-16; 17-17; 18-18 as per 37 CFR 1.126. Absent any showing that the text of the finally numbered claims are incorrect, this request for correction cannot be entered.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (571) 272-9005.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272- 9005

Michael J. Turgeon, Veder Price PC
222 North LaSalle Street
Chicago, IL 606601

/arg

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COOLEY, LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
Nicholas Koustas, et. al. :
Application No. 12/488,241 : DECISION ON PETITION
Filed: June 19, 2009 : TO WITHDRAW FROM
Attorney Docket No. ARRO-001/01US 310111-2002 : 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 September 29, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Eamonn Gardner and the attorneys/agents associated with Customer Number 58249 do not have power of attorney in this patent application, but may have been employed or otherwise engaged in the proceedings in this patent application.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

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. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a

practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Additionally, the request cannot be approved because the requested change in the correspondence address is improper.

The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b)[1] with the current assignee information of record in the present application, and since the current address information for the first named inventor was not provided, the Office cannot change the correspondence address to the address listed in the Request to Withdraw.

There is an outstanding Office action mailed August 5, 2011, that requires a reply from the applicant.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise 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: Arrow Gaming Incorporated
3981 South Hudson Way
Cherry Hills, CO 80113

[1] See USPTO Form No. PTO/SB/96.

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SALESFORCE.COM/KILPATRICK TOWNSEND & STOCKTON, LLP
THE LANDMARK @ ONE MARKET STREET, SUITE #300
SAN FRANCISCO, CA 94105

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of :
Douglas Chasman et al :
Application No. 12/488,288 : ON PETITION
Filed: June 19, 2009 :
Attorney Docket No. 021735-002610US :
(010USC1)

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 15, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 16, 2011.

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

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

This matter is being referred to Technology Center AU 2155 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Gerald T. Gary
Kilpatrick Townsend & Stockton LLP
2 Embarcadero Center, 8th Floor
San Francisco, CA 94111

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

MAILED
MAR 3 1 2011
OFFICE OF PETITIONS

Applicants: Bruce Field
Appl. No.: 12/488,333
Filing Date: June 19, 2009
Title: ELECTROLYSIS CELL HAVING ELECTRODES WITH VARIOUS-SIZED/SHAPED APERTURES
Attorney Docket No.: G80.12-0006
Pub. No.: US 2009/0314654 A1
Pub. Date: December 24, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 2, 2010, for the above-identified application.

The request is dismissed.

Applicant request that the application be republished as the original publication contains an incorrect set of claims.

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

The request for corrected publication, received on August 2, 2010, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

[1] 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).

§ 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

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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**INGRASSIA FISHER & LORENZ, P.C. (GM)**
**7010 E. COCHISE ROAD**
**SCOTTSDALE AZ 85253**

**MAILED**

MAY 02 2011

**OFFICE OF PETITIONS**

In re Application of :
Rahman et al. :
Application No. 12/488,376 : DECISION ON PETITION
Filed: June 19, 2009 :
Attorney Docket No. P003332-PTH-RRM :
003.0473

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 16, 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 timely obtained. Accordingly, the application became abandoned on December 17, 2010.

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

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110.00, three- month extension of time fee submitted with the petition on March 17, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

**MAILED**

DEC 07 2011

**OFFICE OF PETITIONS**

In re Application of :
BURKHART, STEPHEN S. :
Application No. 12/488,392 : DECISION DISMISSING PETITIONS
Filed: 06/19/2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. A8130.0609/P609 :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed November 14, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is DISMISSED

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

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

The petition does not comply with item (1).

The amendment is not acceptable as drafted because it improperly incorporates by reference the prior-filed Application Nos. 11/702,621, 11/392,798, and 60/666,518. An incorporation by reference statement added after an application's filing date is not effective because no new matter

can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. When a benefit claim is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application unless an incorporation by reference statement of the prior application was presented upon filing of the application. See Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980); MPEP 201.06(c)(IV), 201.00(III)(f), and 608.04(b).

Before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either a Supplemental Application Data Sheet (ADS) or amendment, without a statement incorporating Application Nos. 11/702,621, 11/392,798, and 60/666,518 by reference, are required. No additional petition fee is required. The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or an amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

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

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

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

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of :
BURKHART, STEPHEN S. :
Application No. 12/488,392 : DECISION GRANTING PETITIONS
Filed: 06/19/2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. A8130.0609/P609 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed January 3, 2012, 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 reference must be submitted during the pendency of the later-filed application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications is accepted as being unintentionally delayed.

***The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) and under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.***

A corrected Filing Receipt, which includes the claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 3774 for consideration by the examiner of the claim under 35 U.S.C. 120 and 119(e) of the prior-filed nonprovisional application and provisional application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

**ATTACHMENT**: Corrected Filing Receipt

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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 |
|---|---|---|---|---|---|---|
| 12/488,392 | 06/19/2009 | 3774 | 1934 | A8130.0609/P609 | 32 | 4 |

**CONFIRMATION NO. 9421**

**CORRECTED FILING RECEIPT**

24998
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Date Mailed: 01/04/2012

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)**

Stephen S. Burkhart, San Antonio, TX;

**Power of Attorney:** The patent practitioners associated with Customer Number 24998

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/074,545 06/20/2008
and is a CIP of 11/702,621 02/06/2007 PAT 7981140
which is a CIP of 11/392,798 03/30/2006 PAT 7803173
which claims benefit of 60/666,518 03/30/2005

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

**If Required, Foreign Filing License Granted:** 07/06/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/488,392**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

METHOD OF KNOTLESS TISSUE FIXATION WITH CRISS-CROSS SUTURE PATTERN

**Preliminary Class**

623

## 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

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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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MAILED

MAR 28 2011

OFFICE OF PETITIONS

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

In re Application of
Nicholas M. Dean et al.
Application No. 12/488,394
Filed: June 19, 2009
Attorney Docket No: HTS-0059US.C1 / ISIS.057C1

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3) filed February 17, 2011 to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional application 11/135,255 filed May 23, 2005.

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 Commissioner may require additional information where there is a question whether the delay was unintentional.

All requirements having been satisfied, the late claim for priority under 35 U.S.C. 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. 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 1635 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.

Christopher Bottorff
Supervisor
Office of Petitions

**ATTACHMENT**: Corrected Filing Receipt

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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 |
|---|---|---|---|---|---|---|
| 12/488,394 | 06/19/2009 | 1635 | 540 | HTS-0059US.C1/ISIS.057C1 | 19 | 1 |

**CONFIRMATION NO. 9428**

**CORRECTED FILING RECEIPT**

55389
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 03/25/2011

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)**

Nicholas M. Dean, Olivenhain, CA;
Ming-Yi Chiang, San Diego, CA;
Kenneth W. Dobie, Delmar, CA;

**Assignment For Published Patent Application**

Isis Pharmaceuticals, Inc., Carlsbad, CA

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

This application is a DIV of 11/135,255 05/23/2005 PAT 7,563,885
which claims benefit of 60/574,139 05/24/2004

**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.)

**If Required, Foreign Filing License Granted:** 07/13/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/488,394**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****

**Title**

MODULATION OF TUDOR-SN EXPRESSION

**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.

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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).

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## Title 35, United States Code, Section 184

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

**GRANTED**

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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).

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/140<br>U.S. Patent and Trademark Office<br>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 | 12488402 |
| Filing Date | 19-Jun-2009 |
| First Named Inventor | Pascal Viger |
| Art Unit | 2474 |
| Examiner Name | FRANK DUONG |
| Attorney Docket Number | 02997.175394. |
| Title | METHOD FOR MANAGING A TRANSMISSION OF DATA STREAMS ON A TRANSPORT CHANNEL OF A TUNNEL, CORRESPONDING TUNNEL END-POINT AND COMPUTER-READABLE STORAGE MEDIUM |

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<br><br>◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)<br><br>◯ 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.<br><br>☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :<br>The RCE request ,submission, and fee have already been filed in the above-identified application on<br><br>☒ Are attached. |
| THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES<br><br>I certify, in accordance with 37 CFR 1.4(d)(4) that I am:<br><br>◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.<br><br>◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.<br><br>◯ A sole inventor<br><br>◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors<br><br>◯ A joint inventor; all of whom are signing this e-petition<br><br>◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71 |

| | |
|---|---|
| Signature | /Edward Kmett/ |
| Name | Edward Kmett |
| Registration Number | 42746 |

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 11,2011

In re Application of :

Pascal Viger

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12488402

Filed : 19-Jun-2009

Attorney Docket No : 02997.175394.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 11,2011 , 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 2474 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

**ARNOLD & PORTER LLP**
**ATTN: IP DOCKETING DEPT.**
**555 TWELFTH STREET, N.W.**
**WASHINGTON DC 20004-1206**

**MAILED**

MAR 25 2011

**OFFICE OF PETITIONS**

In re Application of :
MONTELEONE, et al :
Application No. 12/488,410 : DECISION ON PETITION
Filed: June 19, 2009 : TO WITHDRAW
Attorney Docket No. P30785US04 : 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 28, 2011 and February 14, 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 Kristen R. Riemenschneider on behalf of the attorneys of record associated with Customer No. 28381.

The attorneys associated with Customer No. 28381 have been withdrawn.

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

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

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

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

cc: CHAPDELAINE MBS LLC
C/O LEONARD MONTELEONE
797 BAYFIELD DRIVE
BOCA RATON, FL 33498

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 |
|---|---|---|---|
| 12/488,410 | 06/19/2009 | Leonard C. Monteleone | P30785US04 |

**CONFIRMATION NO. 9469**

28381
ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

**POWER OF ATTORNEY NOTICE**

*OC000000046645535*

Date Mailed: 03/17/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/28/2011.

- 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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**INNOVATION COUNSEL LLP**
**21771 STEVENS CREEK BLVD**
**STE. 200A**
**CUPERTINO CA 95014**

MAILED

SEP 26 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Shinichiro TAMURA et al. | : | |
| Application No. 12/488,454 | : | DECISION ON PETITION |
| Filed: June 19, 2009 | : | |
| Attorney Docket No. PANK03327 US | : | |

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 07, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before July 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 14, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00 , (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fess are 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 of Data Management for processing into a patent.

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

In re Application of
Peter Sacchetti

Application No. 12488460

Filed: June 19,2009

Attorney Docket No. O19P1677US1

:
:
: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 23-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

# PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

## Application Information

| | | | | | |
|---|---|---|---|---|---|
| Application Number | 12488460 | Confirmation Number | 9597 | Filing Date | 2009-06-19 |
| Attorney Docket Number (optional) | A074P01677-US1 | Art Unit | 3763 | Examiner | |
| First Named Inventor | Peter J. Sacchetti | | | | |
| Title of Invention | ENTERAL FEEDING PUMP SYSTEM | | | | |

**Attention: Office of Petitions**
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

**Name of Inventor who is 65 years of age, or older**

| Given Name | Middle Name | Family Name | Suffix |
|---|---|---|---|
| Peter | J. | Sacchetti | |

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

| | | | |
|---|---|---|---|
| Signature | /daniel j. holmander/ | Date (YYYY-MM-DD) | 2011-06-21 |
| Name | Daniel J. Holmander | Registration Number | 59518 |

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

# 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 Fr eedom 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 indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of
Takako Hayakawa et al.
Application No. 12/488,501
Filed: June 19, 2009
Attorney Docket Number: HJP920070137US1

ON PETITION

This is a decision on the petition filed October 6, 2010 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on September 9,2009, for failure to timely reply to the Notice to File Missing Parts, mailed January 23, 2009, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed September 30, 2009.

The filing of the response to the Notice to File Missing Parts mailed July 6, 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
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/488,516 | 06/19/2009 | Geoffrey Goldman | ARL 08-38 | 9733 |

21364 7590 05/10/2011

U S ARMY RESEARCH LABORATORY
ATTN: RDRL-LOC-I
2800 POWDER MILL RD
ADELPHI, MD 20783-1197

| EXAMINER | |
|---|---|
| GALT, CASSI 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

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MAY 10 2011

In re Application of : DECISION ON PETITION
Geoffrey Goldman :
SERIAL NO.: 12/488,516 :
FILED: June 19, 2009 :
FOR: COMPUTATIONALLY EFFICIENT
RADAR PROCESSING METHOD...

This is a decision on the request filed June 19, 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
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

Paper No.

KEITH L. JENKINS,
Registered Patent Attorney, LLC
44075 W. Neely Drive
Maricopa AZ 85138

MAILED

JAN 04 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Michael Campion | : | DECISION ON |
| Application No. 12/488,531 | : | PETITION |
| Filed: June 20, 2009 | : | |
| Attorney Docket No. CM09025 | : | |

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 10, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, July 13, 2010, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on October 14, 2010. A courtesy Notice of Abandonment was sent on October 28, 2010.

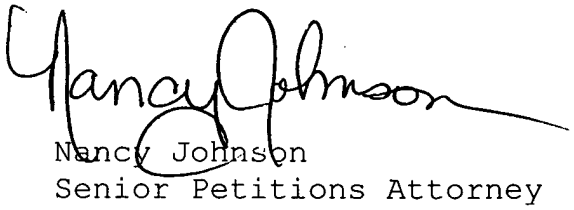
The petition included the required reply[1] in the form of payment of the Issue Fee and Publication Fee; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

It is concluded that all requirements of 37 CFR 1.137(b) have been met.

[1] There was no distinct but concurrent requirement for new drawings.

The Office of Data Management (formerly known as the Office of Patent Publication) has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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LAW OFFICE OF PUJIE ZHENG
388 EAST VALLEY BLVD. , SUITE 206
ALHAMBRA CA 91801

In re Application of :

Noble, et al. :

Application No. 12/488,570 : ON PETITION

Filed: June 21, 2009 :

Attorney Docket No. :
DennisNobleIrrigation001

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed January 28, 2011.

The petition is **dismissed**.

This application was held abandoned October 8, 2009, after no reply was received to the Notice to File Corrected Application Papers mailed August 7, 2009. The notice set forth a period of reply of two month from its mailing date. No response was received within the allowable period and the application became abandoned on October 8, 2009. A Notice of Abandonment was mailed April 12, 2010. The instant petition was filed on January 28, 20111. Petitioner maintains that the notice of July 7, 2009, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of

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

Petitioner has not made the evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's **master docket record**, or other adequate evidence to support petitioner's contention that the Notice of August 7, 2009, was not received. If a master docket does not exist, the renewed petition should indicate such. Petitioner is cautioned to be sure to establish that the Notice mailed August 7, 2009, was not received. The record reflects that Notice was mailed July 7, 2009, and returned July 14, 2009, but a new Notice was mailed August 7, 2009, to which no response was received.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

Telephone inquiries concerning this decision should be directed to the undersigned (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
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Alexandria, VA 22313-1450
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LAW OFFICE OF PUJIE ZHENG
388 EAST VALLEY BLVD., SUITE 206
ALHAMBRA CA 91801

In re Application of :

Noble, et al. :

Application No. 12/488,570 : ON PETITION

Filed: June 21, 2009 :

Attorney Docket No. :
DennisNobleIrrigation001

MAILED

MAR 08 2011

OFFICE OF PETITIONS

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed January 28, 2011.

The petition is **dismissed.**

This application was held abandoned October 8, 2009, after no reply was received to the Notice to File Corrected Application Papers mailed August 7, 2009. The notice set forth a period of reply of two month from its mailing date. No response was received within the allowable period and the application became abandoned on October 8, 2009. A Notice of Abandonment was mailed April 12, 2010. The instant petition was filed on January 28, 20111. Petitioner maintains that the notice of July 7, 2009, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of

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

Petitioner has not made the evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's **master docket record**, or other adequate evidence to support petitioner's contention that the Notice of August 7, 2009, was not received. If a master docket does not exist, the renewed petition should indicate such. Petitioner is cautioned to be sure to establish that the Notice mailed August 7, 2009, was not received. The record reflects that Notice was mailed July 7, 2009, and returned July 14, 2009, but a new Notice was mailed August 7, 2009, to which no response was received.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LAW OFFICE OF PUJIE ZHENG
388 EAST VALLEY BLVD. , SUITE 206
ALHAMBRA CA 91801

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of :

Noble, et al. :

Application No. 12/488,570 : ON PETITION

Filed: June 21, 2009 :

Attorney Docket No. :
DennisNobleIrrigation001

This is a decision on the petition under 37 CFR 1.137(b), filed March 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application was held abandoned October 8, 2009, after no reply was received to the Notice to File Corrected Application Papers mailed August 7, 2009. The notice set forth a period of reply of two month from its mailing date. No response was received within the allowable period and the application became abandoned on October 8, 2009. A Notice of Abandonment was mailed April 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification; (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

**DANIEL B. SCHEIN, PH.D., ESQ., INC.**
**P. O. BOX 68128**
**VIRGINIA BEACH VA 23471**

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of :
Ben Ayed et al. :
Application No. 12/488,611 : DECISION ON PETITION
Filed: June 22, 2009 :
Attorney Docket No. 11779-39 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action for Applications Under Accelerated Examination mailed, March 2, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days, whichever is longer. Accordingly, the application became abandoned on April 5, 2010. A Notice of Abandonment was mailed April 21, 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.

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

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the reply received.

/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

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

**MAILED**

MAY 11 2011

**OFFICE OF PETITIONS**

In re Application of :
Terry Hermiston et al. :
Application No. 12/488,627 : ON PETITION
Filed: June 22, 2009 :
Attorney Docket Number: 007836.00007 :

This is a decision on the petition filed April 12, 2011 under 37 CFR 1.181 to withdraw the holding of abandonment.

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

A NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES was mailed July 9, 2009. While a reply was filed July 21, 2009 was not responsive, a second NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES was mailed July 29, 2009. The reply filed August 26, 2009 was also not responsive and as a result the application became abandoned September 30, 2010. Accordingly a Notice of Abandonment was mailed April 8, 2011.

The "Notices" required the filing of (1) a paper or compact disc copy of the sequence listing; and (2) a copy of a computer readable form of the sequence listing. Petitioner argues that a sequence listing text file was filed with the application, proof of which can be found in the Electronic Filing System Acknowledgment Receipt dated June 22, 2009.

Upon a review of the Office EFS database, it appears that the sequence listing text file was filed with the application and thus the Notices were sent in error. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

This matter is being referred to the Office of Patent Application Processing for appropriate action on the response filed April 12, 2011 and for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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. |
|---|---|---|---|---|
| 12/488,717 | 06/22/2009 | Kazuhiko YOSHII | ASA-7165 | 1151 |

7590 10/31/2011

MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

| EXAMINER | |
|---|---|
| CHOKSHI, PINKAL R | |
| **ART UNIT** | **PAPER NUMBER** |
| 2425 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 10/31/2011 | 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

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. |
|---|---|---|---|---|
| 12/488,760 | 06/22/2009 | Toshihiko Inoue | 47260-5117-00-US (440064) | 1250 |

55694 7590 05/27/2011

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

| EXAMINER | |
|---|---|
| TRAN, THIEN S | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3742 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 05/27/2011 | ELECTRONIC |

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

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

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

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.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

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

| | | |
|---|---|---|
| *In re* Application of: | :: | |
| INOUE, TOSHIHIKO et al | :: | DECISION ON REQUEST |
| Serial No.: 12/488,760 | : | TO PARTICIPATE IN |
| Filed: June 22, 2009 | :: | PATENT PROSECUTION |
| Docket: 47260-5117-00-US | | HIGHWAY (PPH) AND |
| Title: ARC WELDING ROBOT | | PETITION TO MAKE |
| | | SPECIAL UNDER 37 CFR |
| | | 1.102(a) |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 25, 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 corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; 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. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Tu Hoang, SPE of Art Unit 3742, and 571-272-4780 for Class 219/136 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
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Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/488,884 | 06/22/2009 | Jeong-Tae Kim | 2016-36 | 1495 |

52706 7590 12/28/2010

IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES, CA 90010

| EXAMINER | |
|---|---|
| ABEL JALIL, NEVEEN | |
| **ART UNIT** | **PAPER NUMBER** |
| 2165 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 12/28/2010 | PAPER |

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

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

In re Application of: KIM et al.
Application No. 12/488,884
Attorney Docket #: 2016-36
Filed June 22, 2009
For: **SEARCH SYSTEM USING IMAGES.**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 24, 2010 to make the above-identified application special.

The petition is **DISMISSED.**

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

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

Or

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

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or

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

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

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

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

(5) Applicant must submit:
a. Documentation of ALL office action:
i. a copy of ALL office action(s)just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
ii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

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

The request to participate in the PPH pilot program and petition fails to meet items 3 and 5 of the requirements listed above.

Specifically, Item 3 states that Applicant must:
Applicant must submit a copy of:
a. The allowable/patentable claim(s) **from the KIPO application(s);**
b. An English translation of the allowable/patentable claim(s) **and**
**c. A statement that the English translation is accurate;**

Specifically, Item 5 states that Applicant must:
Applicant must submit a copy of:

.....

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

**c. A statement that the English translation is accurate;**

**The Certification of translation document simply states:**

## Verification of Translation

I, Dong-Seong KIM do solemnly and sincerely declare.
That I have good knowledge of both the Korean and English Language; AND THAT, to the bets of my knowledge and belief, the attached documents are true and correct English translations related to Korean documents:

Dated : this 4th day of November, 2010

Signature: Dong Seong Kim
Translator: Dong-Seong KIM

**There is no reference to which document was translated by Mr. Kim. A new Certification of Translation is required properly identifying the documents being translated. Mr. Kim must also fix the spelling mistake in the letter: "bets" where "best" was meant probably.**

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

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. |
|---|---|---|---|---|
| 12/488,884 | 06/22/2009 | Jeong-Tae Kim | 2016-36 | 1495 |

52706 7590 03/11/2011

IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES, CA 90010

| EXAMINER | |
|---|---|
| ABEL JALIL, NEVEEN | |
| **ART UNIT** | **PAPER NUMBER** |
| 2165 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 03/11/2011 | 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

In re Application of: KIM et al.
Application No. 12/488,884
Attorney Docket #: 2016-36
Filed June 22, 2009
For: **SEARCH SYSTEM USING IMAGES.**

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 January 24, 2010 to make the above-identified application special.

The petition is **GRANTED.**

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

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

Or

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

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or

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

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

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

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

(5) Applicant must submit:
a. Documentation of ALL office action:
i. a copy of ALL office action(s)just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
ii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

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

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

The request and petition are **GRANTED**.

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

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

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

/Mano Padmanabhan/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/488,906 | 06/22/2009 | Ryuta ASHIMI | ASA-7166 | 1541 |

7590 10/31/2011

MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

| EXAMINER | |
|---|---|
| BRINEY III, WALTER F | |
| ART UNIT | PAPER NUMBER |
| 2614 | |
| MAIL DATE | DELIVERY MODE |
| 10/31/2011 | 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.

Nimi James

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

**WILLIAM K. MCGREEVEY**
**EASTMAN CHEMICAL COMPANY**
**100 NORTH EASTMAN ROAD**
**KINGSPORT TN 37660-5075**

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Thomas Allen Puckette et al. :
Application No. 12/489,029 :
Filed: June 22, 2009 :
Attorney Docket No. 85078US01 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 13, 2010. Accordingly, the date of abandonment of this application is October 14, 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 (1).

As to item (1), the issue and publications fees were not paid. These fees must be submitted with a renewed petition.

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 30 2010

OFFICE OF PETITIONS

WILLIAM K. MCGREEVEY
EASTMAN CHEMICAL COMPANY
100 NORTH EASTMAN ROAD
KINGSPORT TN 37660-5075

In re Application of :
Thomas Allen Puckette et al. :
Application No. 12/489,029 : ON PETITION
Filed: June 22, 2009 :
Attorney Docket No. 85078US01 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 13, 2010. Accordingly, the date of abandonment of this application is October 14, 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 RCE (Request for Continued Examination, with the required fee of $810, the issue fee of $1,510 and publication fee of $300, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

A petition fee of $1,620 was paid with the filing of the renewed petition. No additional petition fee is due, since this fee was originally paid on October 20, 2010. This fee will be refunded to petitioner's deposit account.

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

This application is being referred to Technology Center AU 1621 for appropriate action by the Examiner in the normal course of business on the RCE received October 20, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAM K. MCGREEVEY
EASTMAN CHEMICAL COMPANY
100 NORTH EASTMAN ROAD
KINGSPORT, TN 37660-5075

MAILED
DEC 01 2010
OFFICE OF PETITIONS

In re Application of :
Thomas Allen Puckette, et al. :
Application No. 12/489,029 : **ON PETITION**
Filed: June 22, 2009 :
Attorney Docket No. 85078US01 :

This is a decision on the petition, filed November 22, 2010, requesting withdrawal of the above-identified application from issue under the provisions of 37 CFR 1.313(c).

The petition is DISMISSED AS MOOT.

A review of the record discloses that the application became abandoned on October 14, 2010 for a failure to pay the issue and publication fees, as required by the Notice of Allowance and Issue Fee Due mailed July 13, 2010. On October 20, 2010, a petition under the provisions of 37 CFR 1.137(b) was filed, along with a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS). However, since the required reply must be the payment of the issue fee in an application abandoned for failure to pay the issue fee, the petition was dismissed in a decision mailed November 15, 2010. In response, on November 22, 2010, a renewed petition under 37 CFR 1.137(b) was filed, along with the requisite issue/publication fees and a petition to withdraw from issue. The petition under 37 CFR 1.137(b) to revive the application in favor of the RCE filed October 20, 2010 was granted in a decision mailed November 29, 2010. Consequently, the application was returned to Technology Center for further consideration of the RCE under 37 CFR 1.114.

In view of the above, the petition to withdraw from issue under the provisions of 37 CFR 1.313(c) is unnecessary and the $130 petition fee paid therefor is being credited to counsel's deposit account.

***Petitioner is advised that the issue fee paid on November 22, 2010, 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]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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**HOWARD & HOWARD ATTORNEYS PLLC**
**450 WEST FOURTH STREET**
**ROYAL OAK MI 48067**

**MAILED**

**AUG 0 2 2010**

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Schulze et al. | : | |
| Application No. 12/489,087 | : | ON PETITION |
| Filing: June 22, 2009 | : | |
| Attorney Docket No. 060419.00009 | : | |

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed July 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by 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 2165 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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**HOWARD & HOWARD ATTORNEYS PLLC**
**450 WEST FOURTH STREET**
**ROYAL OAK MI 48067**

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Michael D. SCHULZE et al. :
Application No. 12/489,087 : NOTICE UNDER 37 CFR. 1.28(c)
Patent No. 7,836,067 :
Filed: June 22, 2009 :
Attorney Docket No. 060419.00009

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 Michelle R. Eason at (571) 272-4231.

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
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Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/489,134 | 06/22/2009 | Hiroyuki Suzuki | 1924.85178 | 1002 |

7590 09/10/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

| EXAMINER | |
|---|---|
| SNIEZEK, ANDREW L | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2627 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/10/2010 | 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.

Bettye Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/489,155 | 06/22/2009 | Seiji Inamura | 1924.85179 | 1047 |

7590 10/07/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

| EXAMINER | |
|---|---|
| BEAUSOLIEL JR, ROBERT W | |
| **ART UNIT** | **PAPER NUMBER** |
| 2113 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 10/07/2010 | 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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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**CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.**
**TWO INTERNATIONAL PLACE**
**BOSTON MA 02110**

**MAILED**

**DEC 02 2010**

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Kanekar et al. | : | DECISION ON PETITION |
| Application No. 12/489,161 | : | TO WITHDRAW |
| Filed: June 22, 2009 | : | FROM RECORD |
| Attorney Docket No. 2006579-1672 (CTX-499) | : | |

This is a decision on the Request to Withdraw as Attorney or Agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40, filed November 10, 2010.

The request is **DISMISSED**.

A review of the file record indicates that practitioner signing the request, Brenda Herschbach Jarrell, and the other attorneys/agents of Choate, Hall & Stewart: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

Further, the change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. *See MPEP §§ 601.03 and 405.* If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. The Office will continue to mail all future correspondence solely to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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FELDMAN GALE, PA
1700 MARKET STREET
SUITE 3130
PHILADELPHIA, PA 19103

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Jon Sage
Application No. 12/489,169
Filed: June 22, 2009
Attorney Docket No. 1154.SAGE0002CIP2

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 16, 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 C. Cesarano on behalf of all attorneys of record who are associated with customer No. 44338. All attorneys/agents associated with the Customer Number 44338 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: JON SAGE
6301 COLLINS AVENUE
SUITE TS4
MIAMI BEACH, FL 33141

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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 |
|---|---|---|---|
| 12/489,169 | 06/22/2009 | Jon Sage | 1154.SAGE0002CIP2 |

**CONFIRMATION NO. 1074**

**POWER OF ATTORNEY NOTICE**

*OC000000043075925*

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

Date Mailed: 08/16/2010

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/16/2010.

- 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

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**CHARLES J. PRESCOTT, P.A.**
**SUITE 115**
**2033 WOOD STREET**
**SARASOTA FL 34237**

**MAILED**

**NOV 26 2010**

**OFFICE OF PETITIONS**

In re Application of :
Leland SLAVEN JR., et al :
Application No. 12/489,182 : DECISION ON PETITION
Filed: June 22, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. P-2107 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement made by registered attorney Charles J. Prescott, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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) 272-1700.

The application is being forwarded to Technology Center Art Unit 1783 for action on the merits commensurate with this decision.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/489,212 | 06/22/2009 | Clifford J. Woolf | 37149-503C01US | 1149 |

7590 05/05/2011

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

| EXAMINER | |
|---|---|
| LOCKARD, JON MCCLELLAND | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1647 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 05/05/2011 | 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
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May 5, 2011

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

| | | |
|---|---|---|
| In re Application of | : | |
| Woolf, Clifford J. et al | : | **DECISION ON PETITION** |
| Application No. 12/489,212 | : | |
| Filed: 06/22/2009 | : | ***ACCEPTANCE OF COLOR*** |
| Attorney Docket No. 37149-503C01US | : | ***DRAWINGS*** |

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 1, 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
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/489,257 | 06/22/2009 | Hiroyuki Kubotera | 4880.85182 | 1243 |

7590 09/22/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

| EXAMINER | |
|---|---|
| NGUYEN, HOA T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2627 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/22/2010 | 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.

Betty Powell

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/8/10

TO SPE OF : ART UNIT 2827 Zarabian Amir (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/489270 Patent No.: 7813192

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (CofC)**
**Randolph Square – 9D40-A**
**Palm Location 7580**

H RM
Certificates of Correction Branch
703-756-1571 _____

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

**Comments:** _____

_____

_____

_____

_____

_____ SPE

2827 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
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**PERKINS COIE LLP**
**P.O. Box 1208**
**Seattle, WA 98111-1208**

MAILED

MAR 23 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Manish Tiwari | : | |
| Application No. 12/489,295 | : | DECISION ON PETITION |
| Filed: June 22, 2009 | : | TO WITHDRAW |
| Attorney Docket No. 43390-8017.US02 | : | FROM RECORD |
| | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Brian R. Coleman on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Trapeze Networks, Inc.**
**c/o Juniper Networks, Inc.**
**1194 North Mathilda Avenue**
**Sunnyvale, CA 94089-1206**

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 |
|---|---|---|---|
| 12/489,295 | 06/22/2009 | Manish Tiwari | 43390-8017.US02 |

**CONFIRMATION NO. 1321**

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

**POWER OF ATTORNEY NOTICE**

*OC000000046700350*

Date Mailed: 03/22/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

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

/tsjohnson/

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

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. |
|---|---|---|---|---|
| 12/489,312 | 06/22/2009 | William P. Alberth JR. | BPMOT0098BA (CS36108) | 1357 |

27939 7590 01/24/2012

PHILIP H. BURRUS, IV
460 Grant Street SE
Atlanta, GA 30312

| EXAMINER | |
|---|---|
| MAHONE, KRISTIE A | |
| ART UNIT | PAPER NUMBER |
| 3627 | |
| MAIL DATE | DELIVERY MODE |
| 01/24/2012 | 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

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JAN 24 2012

PHILIP H. BURRUS, IV
460 Grant Street SE
Atlanta, GA 30312

In re Application of:
Alberth et al.
Application No. 12/489,312
Filed: June 22, 2009
For: SYSTEM AND METHOD FOR OBLIGATION MANAGEMENT IN WIRELESS COMMUNICATION DEVICES

**DECISION ON PETITION FILED UNDER 37 CFR 1.181**

This is in response to the petition under 37 CFR 1.181 received December 14, 2011. Petitioner "requests the documents submitted September 13, 201, which were identified in Rule 1.131 affidavits filed June 8, 2011, entered into the file by Examiner, into the file."

The petition is **GRANTED**.

A review of the prosecution history indicates that the claims were rejected as being unpatentable over a combination of references including a non-patent literature referred to as "Stormtap," released June 7, 2009. Affidavit by William P. Alberth, Jr and William Hede were filed pursuant 37 CFR 1.131 on June 8, 2011. In the final Office action mailed July 1, 2011, the examiner indicated that the affidavits were considered, "but are ineffective to overcome the Stormtap reference," because an NPL document, "disclosure No. 55630", which is alleged to provide evidence of conception of the claimed invention, was not submitted. The examiner concluded that there was insufficient evidence to establish a conception of the invention prior to the effective date of the Stormtap reference. On September 13, 2011, applicants argued that "testimony found in an affidavit *is* evidence to the extent that testimony is used to support the facts asserted therein. *Ex parte Ovshinsky*." Applicant further argued that MPEP 715.07 sets forth that "any satisfactory evidence of fact" may be used to demonstrate priority in a Rule 1.131 affidavit and that MPEP 715.07 "makes it clear that exhibits supporting the facts set forth in an affidavit are optional." However, in an attempt to advance prosecution, applicant submitted a redacted copy of disclosure No. 55630, as requested by the Examiner. The examiner denied entry of the evidence on the grounds that it was "not timely and good and sufficient reasons have not been provided as to why such evidence was not previously presented." A notice to that effect was mailed via an advisory action dated November 1, 2011. Applicants timely filed the instant petition on December 14, 2011.

MPEP 715.09 sets forth, in part, that "affidavits and declarations submitted under 37 CFR 1.131 and other evidence traversing rejections are considered timely if submitted: (A) prior to a final rejection." Although the "disclosure No. 55630" was not submitted prior to a final rejection, the original affidavit under 37 CFR 1.131 was filed prior to final rejection. Since the examiner considered the affidavit to be insufficient to establish a conception of the invention prior to the effective date of the Stormtap reference because the "disclosure No. 55630" was not provided, applicant merely perfected the affidavit by submitting it at the next opportunity, which was after final rejection. Accordingly, the submission of the "disclosure No. 55630" is considered timely. The application will be returned to the examiner for consideration of the "disclosure No. 55630."

Any inquiries regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

WG/tl: 01/13/12
/tl/ TL

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON AZ 85718

MAILED

AUG 16 2010

OFFICE OF PETITIONS

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| In re Application of | : | |
| Howard J. Dananberg | : | |
| Application No. 12/489,328 | : | DECISION GRANTING PETITION |
| Filed: June 22, 2009 | : | UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. HBN 02.01 DIV2 | : | |

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 9, 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 July 16, 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 3728 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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United States Patent and Trademark Office
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SADLER, BREEN, MORASCH & COLBY, PS
601 W. MAIN AVE.
SUITE 1300
SPOKANE WA 99201

MAILED

NOV 24 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Shoemaker et al. | : | DECISION ACCORDING STATUS |
| Application Number: 12/489368 | : | UNDER 37 CFR 1.47(a) |
| Filing Date: 06/22/2009 | : | |
| Attorney Docket Number: | : | |
| NORE0101 | : | |

This is a decision in response to the twice renewed petition under 37 CFR 1.47(a), filed on September 10, 2010.

The petition is **GRANTED**.

Petitioners have shown that a copy of the application was sent to the last known addresses of the non-signing inventors by Federal Express and by the United States Postal Service (USPS). The envelope initially sent by Federal Express to non-signing inventor Jetha was signed for by the inventor, while the packages sent to non-signing inventors Gorkoff, Baar, and Shoemaker were signed for by persons whose identity could not be determined. Accordingly, additional packages were sent by Federal Express and USPS mail to inventors Gorkoff, Barr, and Shoemaker. The packages sent by Federal Express were returned as undeliverable, while no response was made to the packages sent by the USPS.

As such, the showing of record is, that non-signing inventor Jetha has constructively refused to sign the declaration, and that, despite diligent efforts, non-signing inventors Baar, Gorkoff, and Shoemaker could not be reached.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses listed in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee has been received. No further fees are due.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Stacy Gorkoff
2590 W. 2nd Avenue
Vancouver BC V6K 1J8
CANADA

In re Application of
Shoemaker et al.
Application No. 12/489,368
Filed: 06/22/2009
For: DETAIL-IN-CONTEXT PRESENTATIONS IN CLIENT/SERVER SYSTEMS

Dear Ms. Gorkoff:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SADLER BREEN MORASCH & COLBY PS
422 W. RIVERSIDE AVE, STE.424
SPOKANE WA 99201

UNITED STATES PATENT AND TRADEMARK OFFICE

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Garth Shoemaker
603-930 Seymour St.
Vancouver BC V6B 1B4
CANADA

MAILED

NOV 24 2010

OFFICE OF PETITIONS

In re Application of
Shoemaker et al.
Application No. 12/489,368
Filed: 06/22/2009
For: DETAIL-IN-CONTEXT PRESENTATIONS IN CLIENT/SERVER SYSTEMS

Dear Mr. Shoemaker:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SADLER BREEN MORASCH & COLBY PS
422 W. RIVERSIDE AVE, STE.424
SPOKANE WA 99201

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NOV 24 2010

OFFICE OF PETITIONS

David J.P. Baar
3536 West 3rd Avenue
Vancouver BC V6R 1L7
CANADA

In re Application of
Shoemaker et al.
Application No. 12/489,368
Filed: 06/22/2009
For: DETAIL-IN-CONTEXT PRESENTATIONS IN CLIENT/SERVER SYSTEMS

Dear Mr. Baar:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SADLER BREEN MORASCH & COLBY PS
422 W. RIVERSIDE AVE, STE.424
SPOKANE WA 99201

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OFFICE OF PETITIONS

Zeenat Jetha
245 East 18th Street
North Vancouver BC V7L 2X7
CANADA

In re Application of
Shoemaker et al.
Application No. 12/489,368
Filed: 06/22/2009
For: DETAIL-IN-CONTEXT PRESENTATIONS IN CLIENT/SERVER SYSTEMS

Dear Mr. Jetha:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SADLER BREEN MORASCH & COLBY PS
422 W. RIVERSIDE AVE, STE.424
SPOKANE WA 99201

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**Altis Law Group, Inc.**
**ATTN: Steven Reiss**
**288 SOUTH MAYO AVENUE**
**CITY OF INDUSTRY CA 91789**

In re Application of :
Jui-Wen FANG et al. : ON PETITION
Application No. 12/489,371 :
Filed: June 22, 2009 :
Atty. Docket No.: US22655

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed December 1, 2010 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned March 2, 2011. A Notice of Abandonment was mailed March 18, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed December 1, 2010, (2) a petition fee of $1860, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

The application will be referred to Office of Data Management for further processing.

Robert DeWitty
Petitions Attorney
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: 462038-003 | Application Number (if known): 12/489,378 | Filing date: June 22, 2009 |
|---|---|---|
| First Named Inventor: Michael Alan Chang | | |
| Title: Peer-to-Peer Home Automation Management | | |

**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, Request for Early Publication

| Signature /John P. Schaub/ | Date January 3, 2011 |
|---|---|
| Name (Print/Typed) John P. Schaub | Registration Number 42,125 |

***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.*

PTO/SB/420 (11-10)
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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.

# Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

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

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

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

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

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

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. |
|---|---|---|---|---|
| 12/489,378 | 06/22/2009 | Michael Alan Chang | 462038-000003 | 1510 |

46188 7590 01/31/2011

Nixon Peabody LLP
P.O. Box 60610
Palo Alto, CA 94306

| EXAMINER |
|---|
| BOOKER, KELVIN |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2121 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 01/31/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY, LLP
P.O. Box 60610
Palo Alto CA 94306

In re Application of:
CHANG, Michael
Application No. 12/489,378
Filed: June 22, 2009
Attorney Docket No. **462038-000003**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 3, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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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. 12/489,380 : DECISION
Filed: 22 June, 2009 :
Attorney Docket No. 082482 :

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 16 July, 2009, with reply due absent extension of time on or before 16 September, 2009.

On 15 January, 2010, Petitioner submitted a request and fee for extension of time and an oath/declaration but failed to submit the surcharge. The Office mailed a Notice of Incomplete Reply on 27 January, 2010.

The application went abandoned by operation of law after midnight 16 January, 2010.

It does not appear that the Office mailed a Notice of Abandonment before a petition was filed.

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

**John W. Bogdan**
**1210 Major St.**
**Ottawa ON K2C 2S2 CA CANADA**

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of
John W. Bogdan
Application No. 12/489,399
Filed: June 22, 2009
Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed July 15, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 16, 2009. A Notice of Abandonment was mailed March 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an additional claim fee of $104 and, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fee is accepted as being unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received April 15, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/489,536 | 06/23/2009 | Nobuaki Hoshino | Q113866 | 1802 |

7590 04/08/2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

| EXAMINER | |
|---|---|
| LE, DAVID D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3655 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 04/08/2011 | 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

UNITED STATES 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 20, 2012

In re Application of :

Kerry Brown

Application No : 12489662

Filed : 23-Jun-2009

Attorney Docket No : MLF 670-03A

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 20, 2012

The request is **APPROVED.**

The request was signed by Richard B. Main (registration no. 33258 ) on behalf of all attorneys/agents associated with Customer Number 26329 . All attorneys/agents associated with Cusotmer Number 26329 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 | Mike Cummings |
| Name2 | QSecure, Inc. |
| Address 1 | 333 Distal Ct. |
| Address 2 | |
| City | Los Altos |
| State | CA |
| Postal Code | 94022 |
| 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**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12489662 |
| Filing Date | 23-Jun-2009 |
| First Named Inventor | Kerry Brown |
| Art Unit | 3685 |
| Examiner Name | MOHAMMAD NILFOROUSH |
| Attorney Docket Number | MLF 670-03A |
| Title | THREE-LEGACY MODE PAYMENT CARD WITH PARAMETRIC AUTHENTICATION AND DATA INPUT ELEMENTS |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26329

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

10.40(c)(3)

10.40(c)(5)

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 | Mike Cummings QSecure, Inc. |
| Address | 333 Distal Ct. |
| City | Los Altos |
| State | CA |

| | |
|---|---|
| Postal Code | 94022 |
| Country | US |
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /Richard B. Main/ |
| Name | Richard B. Main |
| Registration Number | 33258 |

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TW PATENT OFFICE
C/O PAT OFFICE BANGSHIA
102 LINDENCREST
SUGAR LAND TX 77479

MAILED

MAR 21 2012

OFFICE OF PETITIONS

In re Application of :
Nanqing Zhou :
Application No. 12/489,700 : ON PETITION
Filed: June 23, 2009 :
Attorney Docket No. SW-971660/S-19-bil-9-18 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 27, 2012.

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

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed September 15, 2010. This Office set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 16, 2010. The Office mailed a Notice of Abandonment on April 4, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 3636 for consideration of the Amendment, filed February 27, 2012.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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. |
|---|---|---|---|---|
| 12/489,713 | 06/23/2009 | Makoto KONDO | MNL-2018-2336 | 2134 |

7590 09/30/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

| EXAMINER |
|---|
| SOLIS, ERICK R |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3747 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/30/2010 | 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

Adjustment date: 09/30/2010 NFARNER
06/24/2009 INTERSW 00000518 12489713
02 FC:1111 -540.00 CP

Credit Card Refund Total: 9540.00



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

**Tyco International Management Corp.**
**9 Roszel Road**
**Princeton NJ 08540**

MAILED

SEP 27 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Archimede AFFATICATI et al. :
Application No. 12/489,743 :
Filed: June 23, 2009 :
Attorney Docket No. L-IV-00005 US :

This is a decision on the petition under 37 CFR 1.137(b), filed August 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance mailed May 6, 2011, which sets a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 7, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue and publication fees; (2) the petition fee of $1620; and (3) the required statement of unintentional delay have been received. Accordingly, the payment of the issue and publication fees is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Wilson Lee at (571) 272-1824 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Office of Data Management.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/19/2011

TO SPE OF : ART UNIT 2813

SUBJECT : Request for Certificate of Correction for Appl. No.: 12489887 Patent No.: 7968911 B2

CofC mailroom date: 7/14/2011

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

Note: _____

_____

Virginia Tolbert

**Certificates of Correction Branch**

**(571) 272-0460**

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

**Comments:** _____

_____

_____

_____

_____

Matthew C. Landau

**SPE**

2813

**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. |
|---|---|---|---|---|
| 12/489,900 | 06/23/2009 | Bianka Prinz | GFI-BIO-0034-US-NP | 2458 |

210 7590 06/03/2011

MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

| EXAMINER | |
|---|---|
| BRISTOL, LYNN ANNE | |
| **ART UNIT** | **PAPER NUMBER** |
| 1643 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/03/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 0 3 2011

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of: :
Prinz et al. :
Serial No.: 12/489,900 : PETITION DECISION
Filed: June 23, 2009 :
Attorney Docket No.: **GFI-BIO-0034-US-NP**

This is in response to the petition under 37 CFR § 1.59(b), filed May 26, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests to expunge from the file references AA and AB submitted on the Supplemental Proprietary Information Disclosure Statement filed May 26, 2011. These references contain proprietary information that has not been otherwise been made public. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/489,900 | 06/23/2009 | Bianka Prinz | GFI-BIO-0034-US-NP | 2458 |

210 7590 09/12/2011

MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

| EXAMINER | |
|---|---|
| BRISTOL, LYNN ANNE | |
| ART UNIT | PAPER NUMBER |
| 1643 | |
| MAIL DATE | DELIVERY MODE |
| 09/12/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 1 2 2011

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of:
Prinz et al.
Serial No.: 12/489,900
Filed: June 23, 2009
Attorney Docket No.: **GFI-BIO-0034-US-NP**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 31, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests to expunge from the file references AA and AB submitted on the Supplemental Proprietary Information Disclosure Statement filed May 26, 2011. These references contain proprietary information that has not been otherwise been made public. 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

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

**DATE** : **5-25-11**

**TO SPE OF** : ART UNIT **1632**

**SUBJECT** : Request for Certificate of Correction for Appl. No.: **12489905** Patent No.: **7932056**

**CofC mailroom date: 5-18-11**

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 – 9D40-E**
**Palm Location 7580**

**Note:** _____

_____

**Omega Lewis**

**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:** _____

_____

_____

_____

/Gary Benzion/ — **SPE**

1637 — **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

MAILED

DEC 19 2011

OFFICE OF PETITIONS

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

In re Application of
Gaudiana, et al.
Application No. 12/489,933
Filed: June 23, 2009
Atty. Dkt. No.: 15626-0053002/KON-029D1

: DECISION ON PETITION

This decision is in response to the "REQUEST TO RE-OPEN PROSECUTION, OR IN THE ALTERNATIVE PETITION TO REVIVE APPLICATION UNDER 37 CFR 1.137(b), filed November 29, 2011. The "REQUEST TO RE-OPEN PROSECUTION" is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

This application became abandoned November 16, 2011 for failure to timely submit a proper reply in response to the Decision by the Board of Patent Appeals and Interferences (Board) mailed September 15, 2011. Notice of Abandonment was mailed December 1, 2011.

## DECISION UNDER 37 CFR 1.181

Petitioners assert that subsequent to the mailing of a decision by the Board of Patent Appeals and Interferences, the examiner should have taken further action rather than issuing a Notice of Abandonment. Accordingly, petitioners seek a withdrawal of the holding of abandonment and references 37 CFR 1.197(b).

A review of the record reveals that at the time of mailing of the decision by the Board, the application contained no allowed claims. The Board did not reverse all rejections on claims 102-107. An obvious double patenting rejection was outstanding and was not appealed. Applicant had to act after the Board decision, but did not. Accordingly, the application was properly held abandoned by the Office.

Accordingly, the petition under 37 CFR 1.181 is hereby **DISMISSED**.

## DECISION UNDER 37 CFR 1.137(b)

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above. The required petition fee has been charged to the authorized deposit account.

In view thereof, the petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to Group Art Unit 1765 for further processing.

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

*/ALESIA M. BROWN/*

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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. |
|---|---|---|---|---|
| 12/489,951 | 06/23/2009 | Joseph David Anderson | 3280+ | 2547 |

27310 7590 06/14/2011

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

| EXAMINER | |
|---|---|
| WORLEY, CATHY KINGDON | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1638 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 06/14/2011 | ELECTRONIC |

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

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

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

ginny.boesen@pioneer.com
toni.farris@pioneer.com
michelle.rees@pioneer.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 1 4 2011

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

In re Application of:
Joseph David Anderson
Serial No.: 12/489,951
Filed: June 23, 2009
Attorney Docket No.: **3280**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed June 6, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 6, 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

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

**OSHA LIANG LLP**
**TWO HOUSTON CENTER**
**909 FANNIN, SUITE 3500**
**HOUSTON TX 77010**

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Ijuhiro Yoshihara et al :
Application No. 12/490,010 : DECISION GRANTING PETITION
Filed: June 23, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 15115/438001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 20, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on July 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 2832 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

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

**LAW OFFICE OF DELIO & PETERSON, LLC.**
**121 WHITNEY AVENUE**
**NEW HAVEN CT 06510**

MAILED

AUG 03 2010

OFFICE OF PETITIONS

In re Application of :
Horace P. Halling :
Application No. 12/490,027 : ON PETITION
Filing: June 23, 2009 :
Attorney Docket No. SEAL110003000 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 2, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by 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 3676 for action on the merits commensurate with this decision.

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

THE NOBLITT GROUP, PLLC
4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE AZ 85251

MAILED

FEB 28 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Tang et al. | : | |
| Application No. 12/490,071 | : | DECISION ON PETITION |
| Filed: 06/23/2009 | : | |
| Attorney Docket No. 10057.6900 | : | |

This is a decision on the petition under 37 CFR 3.81(b), filed on December 9, 2010, to accept the correction of the assignee on the front page of the above-identified patent.

The petition is **GRANTED**.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1482 (35 U.S.C. 255), which states:

Petitioner states that the correct assignee's name is "Infineon Technologies" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

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 was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that Infineon Technologies is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

D Wood

Douglas I. Wood
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

Decision Date : February 13, 2012

In re Application of :

CHI-CHIH SHEN

Application No : 12490077

Filed : 23-Jun-2009

Attorney Docket No : ASEG-033/00US 307632-2052

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 13, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

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

| | |
|---|---|
| Name | Advanced Semiconductor Engineering, Inc. |
| Name2 | c/o Foley & Lardner |
| Address 1 | 975 Page Mill Road |
| Address 2 | |
| City | Palo Alto |
| State | CA |
| Postal Code | 94304 |
| 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**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12490077 |
| Filing Date | 23-Jun-2009 |
| First Named Inventor | CHI-CHIH SHEN |
| Art Unit | 2835 |
| Examiner Name | ISHWARBHAI PATEL |
| Attorney Docket Number | ASEG-033/00US 307632-2052 |
| Title | CIRCUIT SUBSTRATE AND METHOD OF FABRICATING THE SAME AND CHIP PACKAGE STRUCTURE |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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 | Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner |
| Address | 975 Page Mill Road |
| City | Palo Alto |
| State | CA |
| Postal Code | 94304 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /William S. Galliani/ |
| Name | William S. Galliani |
| Registration Number | 33885 |

UNITED STATES PATENT AND TRADEMARK OFFICE

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. |
|---|---|---|---|---|
| 12/490,109 | 06/23/2009 | GEOFFREY GOLDMAN | ARL 08-38 CIP | 2828 |

21364 7590 02/07/2012

U S ARMY RESEARCH LABORATORY
ATTN: RDRL-LOC-I
2800 POWDER MILL RD
ADELPHI, MD 20783-1197

| EXAMINER | |
|---|---|
| BRAINARD, TIMOTHY A | |
| **ART UNIT** | **PAPER NUMBER** |
| 3662 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 02/07/2012 | 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FEB -7 2012

In re Application of : DECISION ON PETITION
Geoffrey Goldman :
SERIAL NO.: 12/490,109 :
FILED: June 23, 2009 :
FOR: COMPUTATIONALLY EFFICIENT
RADAR PROCESSIG FOR SAR AND GMTI...

This is a decision on the request filed June 23, 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

U S ARMY RESEARCH LABORATORY
ATTN: RDRL-LOC-I
2800 POWDER MILL RD
ADELPHI MD 20783-1197

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. |
|---|---|---|---|---|
| 12/490,144 | 06/23/2009 | Richard Christopher DeCharms | 27969-705.302 | 2907 |

21971 7590 06/23/2011

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

| EXAMINER | |
|---|---|
| LAMPRECHT, JOEL | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3737 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/23/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| | |
|---|---|
| In re Application of: DECHARMS<br>Application No. 12/490,144<br>Filed: JUNE 23, 2009<br>For: METHODS FOR MEASUREMENT AND ANALYSIS OF BRAIN ACTIVITY | **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 February 05, 2008, requesting acceptance of color drawings.

The petition requests that the color drawings 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. The specification was not amended to contain the required notification described above.

The petition is **DENIED**.

/BRIAN CASLER/
Supervisory Patent Examiner, Art Unit 3737
Technology Center 3700

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

| | | | |
|---|---|---|---|
| Application No: | 12/490,180 | Filing date: | June 23, 2009 |
| First Named Inventor: | Debin Zhang | | |
| Title of the Invention: | METHOD AND APPARATUS FOR SIMULATING IP MULTINETTING | | |

**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/US2010/039581

**The international date of the corresponding PCT application(s) is/are:** 23 June 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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/490,180 |
| First Named Inventor: | Debin Zhang |

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 |
|---|---|---|
| 1-13 | 1-13 | Direct correspondence between claims in US and PCT |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /John C. Gorecki/ | Date 3/23/2011 |
| Name (Print/Typed) John C. Gorecki | Registration Number 38,471 |

# 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. |
|---|---|---|---|---|
| 12/490,180 | 06/23/2009 | Debin Zhang | 19838BAUS01U | 2971 |

34645 7590 04/06/2011
Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE, MA 01741

| EXAMINER |
|---|
| HO, DUC CHI |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2465 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 04/06/2011 | 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):

john@gorecki.us
jgorecki@smmalaw.com
officeadmin@smmalaw.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

Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE MA 01741

In re Application of: Zhang et al.
Application No. 12/490,180
Filed: June 23, 2009
For: **METHOD AND APPARATUS FOR SIMULATING IP MULTINETTING**

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

MAILED

APR 05 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 March 23, 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 or be mended 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)** 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)** As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.

**(9)** 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 Christopher Grant at 571-272-7294

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

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

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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. |
|---|---|---|---|---|
| 12/490,187 | 06/23/2009 | Abel Dasylva | 19600ROUS01U | 2988 |

34645 7590 01/07/2011

Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE, MA 01741

| EXAMINER | |
|---|---|
| PATEL, JAYANTI K | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2465 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 01/07/2011 | 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):

john@gorecki.us
jgorecki@smmalaw.com
officeadmin@smmalaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 06 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE MA 01741

In re Application of: DASYLVA, ABEL et al.
Application No. 12490187
Filed: June 23, 2009
For: UTILIZING BETWEENNESS TO DETERMINE FORWARDING STATE IN A ROUTED NETWORK

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 December 8, 2010, to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require that , the following conditions must be met:

(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 CIPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or **(b)** a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the CIPO, 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 CIPO, 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) The CIPO application(s) have at least one claim that was determined by the CIPO to be allowable. Applicant must submit a copy of the allowable claims from the CIPO application(s). If the allowable claims from the CIPO application(s) are in a language other than English, then applicant must also submit an English translation of the allowable claims and a statement that the English translation is accurate.

(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the CIPO application(s). Claims will be considered to sufficiently correspond where, accounting for differences due to translations and claim format requirements, the claims are of the same or similar scope. Applicant is also required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application correspond to the allowable claims in the CIPO application(s).

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

(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate (if the office actions are not in the English language).

(6) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the CIPO examiner in the CIPO office action (unless such an IDS has already been filed in the U.S. application). Applicant must submit copies of all the documents cited in the CIPO office action (unless the copies have already been filed in the U.S. application) except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition failed items (1) and (2) above.
With respect to item (1), it is not clear from the record what the CIPO application with allowable claims is being used as a basis for the PPH request. The request refers to the PCT application PCT/CA2010/000968, but there is no record of a corresponding CIPO application with allowable claims.
With respect to item (2), there is no record of a copy of allowed claims in a CIPO application; the record shows that the copy of the claims that were submitted contains the claims from the PCT application, not the allowed claims from a CIPO application.

Accordingly, 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.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to 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.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

Application No.: 12/490,243
Petition to Make Special Under the Green Technology Pilot Program
Attorney Docket: IDWRK-014A

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

| | | | |
|---|---|---|---|
| Applicants: | Nathan Linder | Confirmation No. | 3099 |
| Serial No.: | 12/490,243 | Art Unit: | 3744 |
| Filed: | June 23, 2009 | Examiner: | Unknown |
| For: | REFREEZABLE ICE BARREL | | |

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

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

Dear Sir/Madam:

Applicant respectfully submits that the invention recited in the claims materially contributes to the development of green technologies. In particular, the invention recited in the claims is directed to the conservation of water. As described in paragraphs [0006] and [0007] of the instant specification, conventional ice barrels consume large volumes of water (i.e., ice) to maintain the contents disposed within the barrel at a chilled temperature. More specifically, ice melts quickly within conventional ice barrels, thereby requiring the barrel to be refilled with ice to maintain a chilled temperature. Paragraph [0007] of the instant application notes the importance of water conservation by limiting the amount of ice used by the barrel. Paragraph [0009] of the instant application indicates that an aspect of the present invention includes a refreezable barrel configured to reduce the amount of ice used by the barrel to chill beverages over an extended period of time. As described in Paragraph [0011] of the instant specification, the refreezeable barrel may be configured to be chilled before ice is placed within the barrel to reduce the temperature differential

between the barrel and the ice to prolong the lifespan of the ice, thereby reducing the overall amount of ice/water used by the barrel.

As indicated in the claims section, the claims are directed toward a refreezable barrel including many of the features described above. As such, Applicant respectfully submits that the claimed invention materially contributes to the development of green technologies pertaining to enhancing environmental quality via water conservation. Hence, the materiality standard for the Petition to Make Special Under the Green Technology Pilot Program is met.

Applicant submits concurrently herewith the attached Petition to Make Special Under the Green Technology Pilot Program as well as the statements above in relation to the materiality standard. Applicant respectfully requests that the instant application be appointed special status under the Green Technology Pilot Program. Applicant respectfully requests that the instant application be placed on the Examiner's special docket since the first Office Action has not yet been rendered. Applicant respectfully requests that this Petition be granted.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 12/3/10 By: _____

Matthew A. Newboles
Registration No. 36,224
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
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Customer No.: 007663

MAN/MJZ

T:\Client Documents\IDWRK\014A\PetitionMakeSpecialGreenTech.doc

**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: IDWRK-014A | Application Number (if known): 12/490,243 | Filing date: June 23, 2009 |
|---|---|---|
| First Named Inventor: Nathan Linder | | |
| Title: REFREEZABLE ICE BARREL | | |

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement on Materiality Standard

| Signature | Date 12/3/10 |
|---|---|
| Name (Print/Typed) Matthew A. Newboles | Registration Number 36,224 |

***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.*

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.

# Instruction Sheet for
# Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

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

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,243 | 06/23/2009 | NATHAN LINDER | IDWRK-014A | 3099 |

7663 7590 12/21/2010

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

| EXAMINER | |
|---|---|
| TAPOLCAI, WILLIAM E | |
| ART UNIT | PAPER NUMBER |
| 3744 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/21/2010 | PAPER |

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75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

| | | |
|---|---|---|
| In re Application of | : | |
| LINDER, NATHAN | : | DECISION ON PETITION |
| Application No. 12/490,243 | : | TO MAKE SPECIAL UNDER |
| Filed: Sep. 23, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. UDWRK-014A | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed Dec. 6, 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.**

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

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

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

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

The petition lacks item # 4.

In regard to item 4, 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 cooling element inside a refreezable barrel supported by a stand will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application will be forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

Application No.: 12/940,946
Petition to Make Special Under the Green Technology Program
Attorney Docket: IDWRK-014B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---|---|---|---|
| Applicants: | Nathan Linder | Confirmation No. | 8626 |
| Serial No.: | 12/940,946 | Art Unit: | 3744 |
| Filed: | November 5, 2010 | Examiner: | Unknown |
| For: | REFREEZABLE ICE BARREL | | |

**PETITION FOR RECONSIDERATION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PROGRAM**

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

Dear Sir/Madam:

On December 3, 2010, Applicant submitted a Petition to Make Special under the Green Technology Program. The Petition was denied on December 17, 2010 on the grounds that the Petition does not include a statement by the Applicant, Assignee, or an Attorney/Agent registered to practice before the Office explaining how the materiality standard is met.

The Petition Decision indicates that "it is not clear how the claimed cooling element between a barrel insert and a barrel shell provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction."

Along these lines, Applicant submits herewith a Preliminary Amendment, wherein Applicant has amended independent Claim 1 to more clearly indicate how the claimed cooling element materially enhances the quality of the environment. In particular, Claim 1 explicitly states that the cooling element mitigates the "melting of ice disposed within the barrel insert to conserve water."

Application No.: 12/940,946
Petition to Make Special Under the Green Technology Program
Attorney Docket: IDWRK-014B

As stated in the patent application, conventional ice barrels consume large volumes of water, i.e., ice, to maintain the contents disposed within the barrel at a chilled temperature. Ice melts at a rapid rate in conventional ice barrels, thereby requiring the barrel to be refilled with ice to maintain a chilled temperature.

The instant application notes the importance of water conservation by limiting the amount of ice used by the barrel (See Paragraph [0007]). As specified in amended Claim 1, the recited cooling element is configured to freeze the refreezable substance to mitigate or slow the melting of ice within the barrel, which in turn, conserves the overall amount of water/ice consumed by the barrel. As such, Applicant submits that the claimed refreezable barrel material enhances the quality of the environment by conserving water.

In view of the foregoing, Applicant respectfully requests reconsideration of the decision dismissing Applicant's Petition, and that the instant application be appointed special status under the Green Technology Pilot Program.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 1/19/11 By: _____

Matthew A. Newboles
Registration No. 36,224
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75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
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Customer No.: 007663

MAN/MJZ

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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. |
|---|---|---|---|---|
| 12/490,243 | 06/23/2009 | NATHAN LINDER | IDWRK-014A | 3099 |

7663 7590 01/25/2011

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75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

| EXAMINER | |
|---|---|
| TYLER, CHERYL JACKSON | |
| ART UNIT | PAPER NUMBER |
| 3744 | |
| MAIL DATE | DELIVERY MODE |
| 01/25/2011 | PAPER |

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

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

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www.uspto.gov

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

| | | |
|---|---|---|
| In re Application of | : | |
| LINDER, NATHAN | : | DECISION ON PETITION |
| Application No. 12/490,243 | : | TO MAKE SPECIAL UNDER |
| Filed: Sep. 23, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. UDWRK-014A | : | PILOT PROGRAM |

This is a decision on the renewed petition under 37 CFR 1.102, filed Jan. 14, 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 Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTORS OFFICE
OCT 26 2011

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

TECHNOLOGY CENTER 3700

In re application of
LINDER, NATHAN

Serial Number: 12/490,243
Filed: June 23, 2009

**NOTICE OF WITHDRAWAL FROM ISSUE UNDER 37 CFR. 1.313**

For: **REFREEZABLE ICE BARREL**

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CRF 1.313.

The application is being withdrawn from issue to permit reopening of prosecution. The examiner will communicate an office action to you.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account.

The application is being forwarded to the examiner for action.

Sharon Gibson, Director
Technology Center 3700
571-272-3750

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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**INTERNATIONAL KNOWLEDGE ASSET OFFICE**
**19200 Von Karman Ave. Suite 400**
**IRVINE CA 92612**

MAILED

SEP 2 8 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Ryuichi Shimada, et al. | : | |
| Application No. 12/490,253 | : | DECISION ON PETITION |
| Filed: June 23, 2009 | : | |
| Attorney Docket No. ADV-1120-CON | : | |

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 12, 2010. Accordingly, the date of abandonment of this application is August 13, 2010. The Notice of Abandonment was mailed August 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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 Terri Johnson at (571) 272-2991.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Donald L. Wenskay**
**P.O. Box 7206**
**Rancho Santa Fee, CA 92607**

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. |
|---|---|---|---|---|
| 12/490,259 | 06/23/2009 | So-Ra Lee | 62547/P849 | 3127 |

7590 12/19/2011

CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale, CA 91209-9001

| EXAMINER | |
|---|---|
| BRIGGS, NATHANAEL R | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2871 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/19/2011 | PAPER |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/140<br>U.S. Patent and Trademark Office<br>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 | 12490333 |
| Filing Date | 24-Jun-2009 |
| First Named Inventor | Peter Kolkhof |
| Art Unit | 1626 |
| Examiner Name | VALERIE RODRIGUEZ-GARCIA |
| Attorney Docket Number | BHC 081023 |
| Title | SUBSTITUTED 7-SULFANYLMETHYL-, 7-SULFINYLMETHYL- AND 7-SULFONYLMETHYLINDOLES AND THE USE THEREOF |

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

| |
|---|
| ◯ One or more claims are unpatentable<br><br>◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)<br><br>◯ 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.<br><br>☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :<br>The RCE request ,submission, and fee have already been filed in the above-identified application on<br><br>☒ Are attached. |
| THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES<br><br>I certify, in accordance with 37 CFR 1.4(d)(4) that I am:<br><br>◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.<br><br>◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.<br><br>◯ A sole inventor<br><br>◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors<br><br>◯ A joint inventor; all of whom are signing this e-petition<br><br>◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71 |

| | |
|---|---|
| Signature | /KAREN B. KING/ |
| Name | Karen B King |
| Registration Number | 41898 |

UNITED STATES 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 6,2011

In re Application of :

Peter Kolkhof

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12490333

Filed : 24-Jun-2009

Attorney Docket No : BHC 081023

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 6,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 1626 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,372 | 06/24/2009 | Joseph Kevin Gogerty | 3228+ | 3356 |

27310 7590 09/07/2011
PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

| EXAMINER | |
|---|---|
| FOX, DAVID T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1638 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 09/07/2011 | 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):

ginny.boesen@pioneer.com
toni.farris@pioneer.com
michelle.rees@pioneer.com

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SEP 0 7 2011

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

In re Application of:
Gogerty, et al.
Serial No.: 12/490,372
Filed: June 24, 2009
Attorney Docket No.: **3228+**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed June 27, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 27, 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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United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,372 | 06/24/2009 | Joseph Kevin Gogerty | 3228+ | 3356 |

27310 7590 12/14/2011

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

| EXAMINER | |
|---|---|
| FOX, DAVID T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1638 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 12/14/2011 | ELECTRONIC |

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

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

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

ginny.boesen@pioneer.com
toni.farris@pioneer.com
michelle.rees@pioneer.com

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DEC 14 2011

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

In re Application of:
Gogerty et al.
Serial No.: 12/490,372
Filed: June 24, 2009
Attorney Docket No.: **3228+**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 6, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 27, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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

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OCT 2 8 2010

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GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re application of
Kuwahara et al.
Application No. 12/490,473
Filed: June 24, 2009
For: OUTPUT TORQUE CALCULATING APPARATUS AND CALCULATING METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 27, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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 27, 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:10/27/10

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

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: | 12/490,477 | Filing date: | June 24, 2009 |
| First Named Inventor: | SANTELLA, JOSEPH B | | |
| Title of the Invention: | PIPERIDINYL DERIVATIVE AS A MODULATOR OF CHEMOKINE RECEPTOR ACTIVITY | | |

**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/US2009/048564

**The international 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)**

☒ 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.

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 PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

| | |
|---|---|
| Application No.: | 12/490477 |
| First Named Inventor: | SANTELLA, JOSEPH B |

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 Oct. 12, 2009

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on Oct. 12, 2009

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 1-17 | 1-17 | |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /laurelee duncan/ | Date August 05, 2011 |
| Name (Print/Typed) Laurelee A. Duncan | Registration Number 44,096 |

# 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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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,477 | 06/24/2009 | Joseph B. Santella | 11202-US-NP | 3555 |

23914 7590 10/18/2011

HENRY HADAD
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

| EXAMINER | |
|---|---|
| WANG, SHENGJUN | |
| **ART UNIT** | **PAPER NUMBER** |
| 1627 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 10/18/2011 | ELECTRONIC |

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

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

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

uspatents@BMS.COM
patents@bms.com
loretta.postell@bms.com

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 1 8 2011

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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

| | | |
|---|---|---|
| In re Application of | : | DECISION ON REQUEST TO |
| Joseph Santella | : | PARTICIPATE IN PATENT |
| Application No. 12/490,477 | : | PROSECUTION HIGHWAY |
| Filed: June 24, 2009 | : | PROGRAM AND PETITION |
| Attorney Docket No. 11202-US-NP | : | 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 August 5, 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/
Cecilia J Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,494 | 06/24/2009 | Ataru ICHIKAWA | MNL-2018-2340 | 3594 |

23117 7590 09/15/2011

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

| EXAMINER | |
|---|---|
| BOGUE, JESSE SAMUEL | |
| ART UNIT | PAPER NUMBER |
| 3748 | |
| 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.

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

In re Application of
ICHIKAWA, ATARU
Application No. 12/490,494
Filed: June 24, 2009
Attorney Docket No. **MNL-2018-2340**
For: CENTRIFUGAL TYPE BLOWER

: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PCT/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 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 Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 060 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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**NIXON & VANDERHYE, PC**
**901 NORTH GLEBE ROAD, 11TH FLOOR**
**ARLINGTON VA 22203**

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Hiroshi OKABE et al. | : | |
| Application No. 12/490,530 | : | NOTICE UNDER 37 CFR. 1.28(c) |
| Filed: June 24, 2009 | : | |
| Attorney Docket No. AMK-249-520 | : | |

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 Examiner
Office of Petitions

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**THE HARRINGTON PRACTICE PLLC**
**10130 MALLARD CREEK ROAD**
**SUITE 110**
**CHARLOTTE NC 28262-6001**

MAILED

AUG 19 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Julian Clayton | : | |
| Application No. 12/490,534 | : | DECISION ON PETITION |
| Filed: June 24, 2009 | : | |
| Attorney Docket No. 10256.001 | : | |

This is a decision on the petition, filed May 18, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of July 9, 2009, which set a (2) month shortened statutory period for reply. Accordingly, a reply was due on or before September 9, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on September 8, 2009, which included the following papers: Notice to File Missing Parts and check no. 1213 in the amount of $527. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated September 8, 2009, 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 Notice of Missing Parts of July 9, 2009 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on September 8, 2009.

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.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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**SINORICA, LLC**
**19785 CRYSTAL ROCK DRIVE**
**SUITE 207**
**GERMANTOWN MD 20874**

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of
Shu-San HSIAU et al.
Application No. 12/490,598
Filed: June 24, 2009
Patent No. 8,091,711
Issue Date: January 10, 2012
Attorney Docket No. TW-IIA-0713

NOTICE UNDER 37 CFR. 1.28(c)

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/
Thurman K. Page
Petitions Examiner
Office of Petitions

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**GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C**
**PO BOX 7021**
**TROY MI 48007-7021**

MAILED
MAR 07 2012
OFFICE OF PETITIONS

In re Application of:
Masatoshi Uchida
Application No. 12/490,603
Filed: June 24, 2009
Attorney Docket No. TMCF-10102/08

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 10, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

1. The U.S. application is

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate; (if the claims were published in a language other than English);
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 of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the JPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    d. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    e. Copies of the documents cited in the JPO office action, 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 Joan Olszewski at 571-272-7751.

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

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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**HICKMAN PALERMO TRUONG & BECKER, LLP**
**2055 GATEWAY PLACE**
**SUITE 550**
**SAN JOSE CA 95110**

MAILED

MAR 11 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Son Ngoc Dang et al. | : | DECISION REFUSING STATUS |
| Application No. 12/490,624 | : | UNDER 37 CFR 1.47(a) |
| Filed: June 24, 2009 | : | |
| Attorney Docket No. 60148-0216 | : | |

This is in response to the petition under 37 CFR 1.47(a), filed June 24, 2009.

The petition is **dismissed**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor John McCormick, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor John McCormick. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s), such as an internet search. The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor McCormick's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to McCormick's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

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

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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**HICKMAN PALERMO TRUONG & BECKER, LLP**
**2055 GATEWAY PLACE**
**SUITE 550**
**SAN JOSE CA 95110**

MAILED

MAY 16 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Son Ngoc Dang et al. | : | DECISION NOTING JOINDER OF |
| Application No. 12/490/624 | : | INVENTOR AND PETITION |
| Filed: June 24, 2009 | : | UNDER 37 CFR 1.47(a) |
| Attorney Docket No. 60148-0216 | : | |

Papers filed on May 2, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 11, 2011, included a Declaration signed by a previously non-signing inventor, John McCormick, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

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

This application is being referred to Technology Center Art Unit 2858.

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

Carl Friedman
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW LLP /PULMONX 017534
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Peter David Shaw, et al. :
Application No. 12/490,625 : DECISION ON PETITION
Filed: June 24, 2009 : TO WITHDRAW
Attorney Docket No. 017534-005520US : 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 10, 20011.

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, (2) 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, (3) have notified the client of any responses that may be due and the time frame within which the client 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.

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

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

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

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,646 | 06/24/2009 | Kazuyoshi WATANABE | 09427/LH | 3895 |

1933 7590 04/07/2011

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

| EXAMINER | |
|---|---|
| YE, LIN | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2622 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 04/07/2011 | 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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220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

| | | |
|---|---|---|
| In re Application of | : | |
| WATANABE, KAZUYOSHI | : | DECISION ON REQUEST TO |
| Application No. 12/490,646 | : | PARTICIPATE IN PATENT |
| Filed: June 24, 2009 | : | PROSECUTION HIGHWAY |
| Attorney Docket No. **09427/LH** | : | PROGRAM AND PETITION |
| | : | TO MAKE SPECIAL UNDER |
| | : | 37 CFR 1.102(a) |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 18, 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 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.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Mark William Robertson et al :
Application No. 12/490,697 : DECISION ON PETITION
Filed: June 24, 2009 : TO WITHDRAW
Attorney Docket No. P28509-US1 : 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 January 26, 2011.

The request is **APPROVED**.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Karl H. Koster
Alston & Bird LLP
Bank of America Plaza
101 S. Tryon St., Suite 4000
Charlotte, NC 28280-4000

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300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

MAILED

MAR 21 2012

OFFICE OF PETITIONS

In re Application of
Labedz et al.
Application No 12/490,703
Filed: June 24, 2009
Attorney Docket No. 2014.85202

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 21, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 22, 2011. A Notice of Abandonment was mailed on January 18, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $930.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1860.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2456 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Charlema Grant
Attorney Advisor
Office of Petitions

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,704 | 06/24/2009 | Kazutaka OTSUKA | 09402/LH | 4006 |

1933 7590 11/16/2010

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

| EXAMINER | |
|---|---|
| GONZALEZ, MILTON | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2884 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/16/2010 | PAPER |

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

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

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

**In re Application of**
OTSUKA et al.
**Application No.: 12/490,704**
**Filed: 24 June 2009**
**Attorney Docket No.: 09402/LH**
**For: INTERMEDIATE COUPLING UNIT AND IMAGE FORMING APPARATUS ADAPTABLE THERETO**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 19 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

1. The U.S. application is

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

iii. contains no priority claim;

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

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

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

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

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

Lee W. Young
TQAS
Technology Center 2800

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**HAHN LOESER & PARKS, LLP**
**One GOJO Plaza, Suite 300**
**AKRON, OH 44311-1076**

**MAILED**

AUG 08 2011

**OFFICE OF PETITIONS**

In re Application of :
**Brian E. BOWMAN**, et *al.* :
Application No. 12/490,720 : DECISION GRANTING PETITION
Filed: June 24, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **201141.00533** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 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 June 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) 272-7253.

This application is being referred to Technology Center AU 1735 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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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

**MAILED**

NOV 17 2011

**OFFICE OF PETITIONS**

In re Application of :
Darbha Srinivas, et. al. :
Application No. 12/490,802 : DECISION ON PETITION
Filed: June 24, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 6334-00100 :

This is a decision on the petition under 37 CFR 1.78(a), filed November 3, 2011, which is being treated as a petition under 37 CFR N1.55(c), to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Indian Patent Application Nos. 1214/DEL/2009 filed June 12, 2009 and 1520/DEL/2008 filed June 25, 2008.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. 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 Director 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.

This application was filed on June 24, 2009, which is after November 29, 2000 and within 12 months of the filing date of the foreign application to which benefit is now being claimed. On November 3, 2011, an Application Data Sheet (ADS) was received which identifies the foreign applications for which priority is claimed by application number, country and filing date. The required petition fee of $1,410 was received on November 3, 2011. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

Additionally, the present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Eric B. Meyertons appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

***The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.***

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

This application is being referred to Technology Center Art Unit 1622 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 inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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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 |
|---|---|---|---|---|---|---|
| 12/490,802 | 06/24/2009 | 1622 | 1787 | 6334-00100 | 28 | 4 |

**CONFIRMATION NO. 4209**

**CORRECTED FILING RECEIPT**

35690
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

Date Mailed: 11/16/2011

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)**

Darbha Srinivas, Pune, INDIA;
Paul Ratnasamy, Pune, INDIA;
Sanjeevani Amrit Pardhy, Pune, INDIA;
Thirumalaiswamy Raja, Pune, INDIA;
Shilpa Shirish Deshpande, Pune, INDIA;
Vijay Vasant Bokade, Pune, INDIA;
Kashinath Joti Wagmare, Pune, INDIA;
Arshia Altaf Lalljee, New Delhi, INDIA;
Surya Prakash Babu, New Delhi, INDIA;
Karukappadath Kunjimoideen Abdul Rashid, Ernakulam, INDIA;
Khaliji Anas, Ernakulam, INDIA;
Chennampilly Ummer Aniz, Ernakulam, INDIA;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
INDIA 1214/DEL/2009 06/12/2009
INDIA 1512/DEL/2008 06/24/2008

**If Required, Foreign Filing License Granted:** 07/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/490,802**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****
**Title**

PROCESS OF MANUFACTURING OF FATTY ACID ALKYL ESTERS

**Preliminary Class**

554

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

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Kevin M. Drizen :
Application No. 12/490,841 :
Filed: June 24, 2009 :
Attorney Docket No. 31269U :

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 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 Gary M. Nath on behalf of all the practitioners of record associated with Customer Number 20529.

Customer Number 20529 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 are no outstanding Office actions that require a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: KEVIN M. DRIZEN C/O GLYCOBIOSCIENCES
7 TIMBER COURT
GEORGETOWN, ONTARIO CANADA L7G 4S4

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 |
|---|---|---|---|
| 12/490,841 | 06/24/2009 | Kevin M. Drizen | 31269U |

**CONFIRMATION NO. 4275**

**POWER OF ATTORNEY NOTICE**

20529
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

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

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. |
|---|---|---|---|---|
| 12/490,890 | 06/24/2009 | Hitoshi Komoriya | 1924.85205 | 4355 |

7590 09/23/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

| EXAMINER | |
|---|---|
| NGUYEN, HOA T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2627 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/23/2010 | 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.

Betty Powell

Patent Publication Branch
Office of Data Management

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/490,929 | 06/24/2009 | Yutaka Komagome | 2803.85206 | 4438 |

7590 10/07/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

| EXAMINER | |
|---|---|
| BEAUSOLIEL JR, ROBERT W | |
| ART UNIT | PAPER NUMBER |
| 2113 | |
| MAIL DATE | DELIVERY MODE |
| 10/07/2010 | 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.

Patent Publication Branch
Office of Data Management

[illegible] 540.00 CR

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Alexandria, VA 22313-1450
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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

**MAILED**

FEB 22 2012

**OFFICE OF PETITIONS**

In re Application of
John Griffin Miller, et al.
Application No. 12/490,967
Filed: June 24, 2009
Attorney Docket No: HII-175

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 **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)" as well as the missing item(s) noted below. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 1, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 1, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 2, 2011. A Notice of Abandonment was subsequently mailed on November 14, 2011. On January 13, 2012, the present petition was filed, along with a Request for Continued Examination (RCE) under 37 CFR 1.14.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item 1. In this regard, petitioner submitted a RCE under 37 CFR 1.14 as the proposed reply However, the RCE is improper, since the request was not filed prior to November 1, 2011, the date upon which the application became abandoned for failure to pay the issue fees. 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. Consequently, this application cannot be revived in favor of the RCE until the requisite issue and publication fees are paid. Petitioner is reminded that if the RCE is subsequently allowed, the issue fee can be reapplied towards the issue fee required by the new Notice of Allowance.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

| | |
|---|---|
| By mail: | Mail Stop PETITIONS<br>Commissioner for Patents<br>Post Office Box 1450<br>Alexandria, VA 22313-1450 |
| By hand: | Customer Service Window<br>Mail Stop Petitions<br>Randolph Building<br>401 Dulany Street<br>Alexandria, VA 22314 |
| By fax: | (571) 273-8300<br>ATTN: Office of Petitions |
| By Internet: | EFS-Web[2] |

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

MAILED
MAR 14 2012
OFFICE OF PETITIONS

In re Application of :
John Griffin Miller, et al. :
Application No. 12/490,967 : ON PETITION
Filed: June 24, 2009 :
Attorney Docket No.: HII-175 :

This is a decision in response to the renewed petition, filed February 28, 2012, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 1, 2011. A Notice of Abandonment was mailed on November 14, 2011. In response, on January 13, 2012, a petition under 37 CFR 1.137(b) was filed along with a Request for Continued Examination (RCE) under 37 CFR 114. Since an application abandoned for failure to pay the issue fee may only be revived upon payment of the issue fee, the petition was dismissed in a decision mailed February 22, 2012. On February 28, 2012, the present petition was filed, including the requisite issue fees.

On reconsideration, the petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

***Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on February 28, 2012, be applied towards the issue fee required by the new Notice of Allowance.***

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

The application file is being forwarded to Technology Center AU 3651 for further processing of the request for continued examination under 37 CFR 1.114 filed January 13, 2012.

/SDB/

Sherry D. Brinkley
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. |
|---|---|---|---|---|
| 12/490,975 | 06/24/2009 | Tomoyuki Shimaya | 6639P737 | 4517 |

7590 10/18/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

| EXAMINER | |
|---|---|
| DECADY, ALBERT | |
| **ART UNIT** | **PAPER NUMBER** |
| 2121 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 10/18/2010 | 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 James

Patent Publication Branch
Office of Data Management



FORM PET651G (Rev. 08/07)

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**Black, Lowe, Graham**
**701 5th Ave., Suite 4800**
**Seattle WA 98104**

MAILED

NOV 12 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| William E. Luce et al. | : | |
| Application No. 12/491,021 | : | DECISION ON PETITION |
| Filed: June 24, 2009 | : | TO WITHDRAW |
| Attorney Docket No. GORI-1-1006 | : | FROM RECORD |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED.**

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. 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.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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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 :
Gary W. CLEARY, et al :
Application No. 12/491,078 : DECISION ON PETITION
Filed: June 24, 2009 : TO WITHDRAW
Attorney Docket No. 002566-080000 : 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 27, 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

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**MORRISON & FOERSTER, LLP**
**555 WEST FIFTH STREET**
**SUITE 3500**
**LOS ANGELES, CA 90013-1024**

**MAILED**
JUN 16 2011
**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| **TOWNDROW,** Clive et al. | : | |
| Application No. 12/491,140 | : | DECISION ON PETITION |
| Filed: June 24, 2009 | : | TO WITHDRAW |
| Attorney Docket No. **490962004100** | : | 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 24, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 27, 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 new address of record until otherwise notified by applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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NEW RIVER VALLEY INTELLECTUAL PROPERTY LAW
P.O. BOX 10944
BLACKSBURG, VA 24062

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Rafael Davalos et al :
Application No. 12/491,151 : NOTICE
Filed: June 24, 2009 :
Attorney Docket No. VTIP-161

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**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

**Doc Code: PET.GREEN**
**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| Attorney Docket Number: 86351-769530(015310US) | Application Number (if known): 12/491,155 | Filing date: June 24, 2009 |
|---|---|---|

First Named Inventor: Kai Lai Grace Ho

Title: PERACID AND 2-HYDROXY ORGANIC ACID COMPOSITIONS AND METHODS FOR TREATING PRODUCE

**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: (1) Preliminary Amendment; and (2) Petition for Entry Pursuant to the Green Technology Pilot Program Statement Under 37 CFR 1.102

| Signature | Date: August 5, 2011 |
|---|---|
| Name (Print/Typed): Frank J. Mycroft | Registration Number: 46,946 |

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

☐ *Total of _____ forms are submitted.

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

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on AUGUST 5, 2011.

KILPATRICK TOWNSEND & STOCKTON LLP

By: Kimberly Hedott

PATENT
Docket No.: 86351-769530 (015310US)

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

| | |
|---|---|
| In re application of: | Confirmation No.: 4863 |
| Kai Lai Grace Ho | Examiner: |
| Application No.: 12/491,155 | Art Unit: 1614 |
| Filed: June 24, 2009 | PETITION FOR ENTRY PURSUANT TO THE GREEN TECHNOLOGY PILOT PROGRAM STATEMENT UNDER 37 CFR §1.102 |
| For: PERACID AND 2-HYDROXY ORGANIC ACID COMPOSITIONS AND METHODS FOR TREATING PRODUCE | |
| Customer No.: 20350 | |

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

Commissioner:

Commissioner:

The Applicants are filing herewith a petition for the above-captioned application to be advanced out of turn (accorded special status) for examination pursuant to the Green Technologies Pilot Program as described in notices published on December 8, 2009 at 74 Fed. Reg. 64666; on November 10, 2010 at 75 Fed. Reg. 69049; and on May 21, 2010 at 75 Fed. Reg. 28554.

The Applicants next provide Remarks setting forth the basis of this petition and materiality of the invention.

## REMARKS

The above-captioned application pertains to environmental quality. The invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

As claimed, the invention provides method of sanitizing or reducing the microbial contaminants, including human microbial pathogens from cut produce to help prevent their further spread in the environment and reduce the risk of food-borne illnesses. As such, the invention relates to the category D(3) of Environmental Purification. Protection or Remediation, Biohazard, Disease (destruction of malicious virus, bacteria, prion) set forth in 74 Fed. Reg. 64666 at p. 64669, bottom, left column. The Applicants further note that the requirement that an invention belong to a particular classification has been eliminated. The claimed method also serves to help reduce food spoilage and waste associated with microbial contaminants on produce.

The inventive methods have additional environmental advantages. Unlike traditional chlorine or chlorine dioxide sanitizers, the sanitizing method does not produce chlorinated compounds, such as chloramines. The ingredients of the sanitizing composition used in the method, peroxyacetic acid and lactic acid, rapidly degrade in the environment, leaving no persistent residue and having no tendency to bioaccumulate. Peroxyacetic acid interconverts with hydrogen peroxide and acetic acid (as in vinegar). Lactic acid itself is a GRAS food additive. The ultimate fate of peracetic acid, acetic acid, hydrogen peroxide, and lactic acid in the environment are carbon dioxide, oxygen, and water.

Accordingly, the Applicants respectfully request that the above-captioned invention be selected to participate in the Green Technologies Pilot Program.

## CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

Frank J. Mycroft
Reg. No. 46,946

KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
FJM:kar

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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. |
|---|---|---|---|---|
| 12/491,155 | 06/24/2009 | Kai Lai Grace Ho | 86351-769530 (015310US) | 4863 |

20350 7590 08/19/2011

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

| EXAMINER | |
|---|---|
| GEORGE, PATRICIA ANN | |
| **ART UNIT** | **PAPER NUMBER** |
| 1789 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 08/19/2011 | 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):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

AUG 19 2011

In re Application of :
Kai Lai Grace Ho :
Application No. 12/491,155 :
Filed: June 24, 2009 :
Attorney Docket No. 86351-769530 (015310US) :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 05, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/491,157 | 06/24/2009 | David A. Crum | SCSL-01CIA | 4865 |

51951 7590 07/26/2011
THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE, AZ 85259

| EXAMINER | |
|---|---|
| LEE, BENJAMIN C | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2612 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 07/26/2011 | ELECTRONIC |

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

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

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

INFO@THELUTHERLAWFIRM.COM
bjl@thelutherlawfirm.com

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THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

Applicant: Crum
Appl. No.: 12/491,157
Filing Date: June 24, 2009
Title: ROOM MANAGEMENT SYSTEM
Attorney Docket No.: SCSL-01CIA
Pub. No.: US 2009/0261965 A1
Pub. Date: October 22, 2009

This is a decision on the multiple requests for republication of patent application publication under 37 CFR 1.221(a), filed on May 20, 2010, on April 11, 2011, and on June 20, 2011, for the above-identified application.

The requests under 37 CFR 1.221(a) are 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 requests for republication do 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: 07/28/2011 KKING1
05/21/2010 INTEFSW 00005489 12491157
01 FC:1504 -300.00 DP

Refund Ref:
07/28/2011 0030100482

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Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXX1006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

**PERKINS COIE LLP**
**P.O. BOX 1208**
**SEATTLE, WA 98111-1208**

**MAILED**

MAR 07 2011

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| MATTA, Sudheer P. C. | : | |
| Application No. 12/491,201 | : | DECISION ON PETITION |
| Filed: June 24, 2009 | : | TO WITHDRAW |
| Attorney Docket No. 0023-0583CON1 | : | FROM RECORD |
| | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to **PERKINS COIE LLP** has been revoked by the assignee of the patent application on February 11, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **HARRITY & HARRITY, LLP**
**11350 RANDOM HILLS ROAD**
**SUITE 600**
**FAIRFAX VA 22030**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Maynard Cooper & Gale, PC
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
BIRMINGHAM AL 35203-2618

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Johnathan Samuel Harchanko :
Application No. 12/491,205 : DECISION ON PETITION
Filed: June 24, 2009 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **13571-0001** :

This is a decision on the petition, filed August 2, 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 August 2, 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

Maynard Cooper & Gale, PC
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
BIRMINGHAM AL 35203-2618

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of :
Johnathan Samuel Harchanko :
Application No. 12/491,205 : DECISION ON PETITION
Filed: June 24, 2009 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **13571-0001** :

This is a decision on the renewed petition, filed August 25, 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 May 20, 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 December 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 2884 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
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 12/491,205 | 06/24/2009 | Johnathan Samuel Harchanko | 13571-0001 |

**CONFIRMATION NO. 4958**

26359
Maynard Cooper & Gale, PC
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
BIRMINGHAM, AL 35203-2618

**NONPUBLICATION RESCISSION LETTER**

Date Mailed: 09/09/2011

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

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

The projected publication date is 12/15/2011.

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
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**LAW OFFICE OF DALE B. HALLING**
**3595 FOUNTAIN BOULEVARD SUITE A2**
**COLORADO SPRINGS CO 80910**

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of
Myron L. Mullett
Application No. 12/491,415
Filed: June 25, 2009
Attorney Docket No. MUL0901CIP

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 29, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. 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(s), unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

With regards to item (1), petitioner has not included a reference to the requested prior-filed nonprovisional application in an amendment to the first sentence of the specification following the title, or an Application Data Sheet as provided by 37 CFR 1.78(a)(5)(iii).

Further, petitioner contends that the words "Continuation-in-part" should have been added; however, the applicant's attorney believes that a "priority claim was clearly made and only mere formalism has caused this clearly stated claim not to be recognized by the Patent Office."

However, a proper claim for priority under 37 CFR §§ 1.78(a)(3) was not included in the first sentence of the specification as originally filed on June 25, 2009, nor was an ADS submitted. Applicant failed to identify the relationship between the instant application and the prior-filed nonprovisional application. Therefore, the Office properly processed the information given by applicant, as shown in its absence on the Original Filing Receipt.

The Corrected Filing Receipt dated June 30, 2010 was mailed in error, as petitioner has not properly corrected the benefit claim. The Domestic Priority Data as listed on the Corrected Filing Receipt will be removed from the USPTO system until a proper petition is supplied.

Accordingly, before a petition under 36 CFR 1.78(a)(3) can be granted, a renewed petition, along with an amendment to the specification or an ADS, must be submitted.

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

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

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

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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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**LAW OFFICE OF DALE B. HALLING**
**3595 FOUNTAIN BOULEVARD SUITE A2**
**COLORADO SPRINGS CO 80910**

**MAILED**

OCT 06 2010

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Myron L. Mullett | : | |
| Application No. 12/491,415 | : | DECISION ON PETITION |
| Filed: June 25, 2009 | : | UNDER 37 CFR 1.78(a)(3) |
| Attorney Docket No. MUL0901CIP | : | |

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed August 5, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 11/397,399, filed April 5, 2006.

The petition is **DISMISSED**.

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

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

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

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

The instant petition does not comply with item (3) above.

With regards to item (3), petitioner has not submitted 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.

Accordingly, before a petition under 36 CFR 1.78(a)(3) can be granted, a renewed petition, along with 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 must be submitted.

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

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

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

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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**LAW OFFICE OF DALE B. HALLING**
**3595 FOUNTAIN BOULEVARD SUITE A2**
**COLORADO SPRINGS CO 80910**

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of :
Myron L. Mullett :
Application No. 12/491,415 : DECISION GRANTING PETITION
Filed: June 25, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MUL0901CIP :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 18, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application as set forth in the amendment filed August 5, 2010.

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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed

nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

***The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant 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 instant application is entitled to the benefit of the earlier filing date.***

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

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 3671 for appropriate action on the amendment filed August 5, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

**ATTACHMENT**: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|---|---|---|---|---|---|---|
| 12/491,415 | 06/25/2009 | 3671 | 462 | MUL0901CIP | 18 | 3 |

**CONFIRMATION NO. 5345**

25007
LAW OFFICE OF DALE B. HALLING
3595 FOUNTAIN BOULEVARD SUITE A2
COLORADO SPRINGS, CO 80910

**CORRECTED FILING RECEIPT**

Date Mailed: 11/17/2010

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

**Applicant(s)**

Myron L. Mullett, Westcliffe, CO;

**Power of Attorney:** The patent practitioners associated with Customer Number 25007

**Domestic Priority data as claimed by applicant**

This application is a CIP of 11/397,399 04/05/2006 PAT 7,686,537

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 07/06/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/491,415**

**Projected Publication Date:** 12/30/2010

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****

**Title**

Road Grader/Spreader System and Method

**Preliminary Class**

172

## 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).

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

| | | | |
|---|---|---|---|
| Application No: | 12/491,469 | Filing date: | June 25, 2009 |
| First Named Inventor: | Ebrahim Mor | | |
| Title of the Invention: | HYDROPHOBIC ADDITIVE FOR USE WITH FABRIC, FIBER, AND FILM | | |

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/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/US2010/032475

**The international filing date of the corresponding PCT application(s) is/are:** April 27, 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.

PTO/SB/20PCT-KR (06-10)
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# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/491,469 |
| First Named Inventor: | Ebrahim Mor |

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 9/2/09 and 3/4/11

**(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 9/2/09 and 3/4/11

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 1-30 | 1-30 | All of the claims are identical |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /Michael S. Brodbine/ | Date March 9, 2011 |
| Name (Print/Typed) Michael S. Brodbine | Registration Number 38392 |

# 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. |
|---|---|---|---|---|
| 12/491,469 | 06/25/2009 | Ebrahim Mor | TPM 0132 PUS | 5454 |

22045 7590 05/02/2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

| EXAMINER | |
|---|---|
| MATZEK, MATTHEW D | |
| ART UNIT | PAPER NUMBER |
| 1786 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 05/02/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WG

May 2, 2011

| | | |
|---|---|---|
| In re application of | : | DECISION ON REQUEST TO |
| Ebrahim Mor | : | PARTICIPATE IN PATENT |
| Serial No. 12/491,469 | : | PROSECUTION HIGHWAY |
| Filed: June 25, 2009 | : | PROGRAM AND |
| For: HYDROPHOBIC ADDITIVE FOR USE | : | PETITION TO MAKE SPECIAL |
| WITH FABRIC, FIBER, AND FILM | : | UNDER 37 CFR 1.102(a) |

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

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

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

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

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

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAIL

DEC 0 1 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
IKEDA, YASUTO
Application No. 12/491,516
Filed: June 25, 2009
Attorney Docket No. **09406/LH**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 21, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BLAKE, CASSELS & GRAYDON LLP**
**BOX 25, COMMERCE COURT WEST**
**199 BAY STREET, SUITE 4000**
**TORONTO ON M5L 1A9 CA CANADA**

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Ronald A. Wrightman :
Application No. 12/491,561 :
Filed: June 25, 2009 :
Attorney Docket No. 67799/00010 :
:

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a statement by an attorney on behalf of inventor Ronald A. Wrightman attesting to his/her age. The above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/491,600 | 06/25/2009 | Yasuto IKEDA | 09405/LH | 5713 |

1933 7590 01/31/2011

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

| EXAMINER | |
|---|---|
| BANKS HAROLD, MARSHA DENISE | |
| **ART UNIT** | **PAPER NUMBER** |
| 2482 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 01/31/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 31 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK, NY 10001-7708

| | | |
|---|---|---|
| In re Application of | : | |
| IKEDA, YASUTO | : | DECISION ON REQUEST TO |
| Application No. 12/491,600 | : | PARTICIPATE IN PATENT |
| Filed: June 25, 2009 | : | PROSECUTION HIGHWAY |
| Attorney Docket No. **09405/LH** | : | 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 December 6, 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.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

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.

/Mehrdad Dastouri/

_____

Mehrdad Dastouri
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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

**MAILED**

FEB 23 2012

**OFFICE OF PETITIONS**

In re Application of
Chienyu Huang, et al.
Application No. 12/491,609
Filed: June 25, 2009
Attorney Docket No.: TI-68232

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 16, 2012.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 12, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed October 12, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 13, 2012. On January 16, 2012, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 24, 2012.

It is noted that the address given on the petition slightly 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: JOHN J. PATTI
133588 NORTH CENTRAL EXPRESSWAY
MS 3999
DALLAS, TX 75243

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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FREDRIKSON & BYRON, P.A.
INTELLECTUAL PROPERTY GROUP
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of
Glen Robinson
Application No. 12/491,670
Filed: June 25, 2009
Attorney Docket No. 57753.99.3

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed October 6, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because Natalie D. Kadievitch and the attorneys/agents associated with Customer No. 22859 have not provided a correspondence address for the intervening assignee[1] or first named inventor. Therefore, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Additionally, the Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

Petitioner should note that an Office action was mailed on June 20, 2011, that requires a reply from the applicant.

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] 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).

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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FREDRIKSON & BYRON, P.A.
INTELLECTUAL PROPERTY GROUP
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

**MAILED**

NOV 04 2011

OFFICE OF PETITIONS

In re Application of
Glen Robinson
Application No. 12/491,670
Filed: June 25, 2009
Attorney Docket No. 57753.99.3

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed October 26, 2011.

The request is **APPROVED**.

The request was signed by Natalie D. Kadievitch on behalf of herself and all attorneys/agents associated with Customer Number 22589. Therefore, Natalie D. Kadievitch and all the attorneys/agents associated with Customer Number 22859 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 June 20, 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: Glenn Robinson
6017 W. 35th Street, Apt. H
St. Louis Park, MN 55436

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 12/491,670 | 06/25/2009 | Glen Robinson | 57753.99.3 |

**CONFIRMATION NO. 5841**

22859
FREDRIKSON & BYRON, P.A.
INTELLECTUAL PROPERTY GROUP
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

**POWER OF ATTORNEY NOTICE**

*OC000000050766872*

Date Mailed: 11/02/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/26/2011.

- 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.

/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

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. |
|---|---|---|---|---|
| 12/491,700 | 06/25/2009 | Ryo Nihei | 47260-5118-00-US (440268) | 5892 |

55694 7590 12/21/2010

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 3652 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 12/21/2010 | ELECTRONIC |

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

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

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

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 2 0 2010

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

| | | |
|---|---|---|
| In re application of<br>Ryo Nihei<br>Application No. 12/491,700<br>Filed: June 25, 2009<br>For: ROBOT SYSTEM USING ROBOT TO LOAD AND UNLOAD WORKPIECE INTO AND FROM MACHINE TOOL | : | **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)** |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 3, 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 November 3, 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

MB/MB: 12/17/10

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. |
|---|---|---|---|---|
| 12/491,717 | 06/25/2009 | Jason W. Edens | 1109-001US01 | 5921 |

28863 7590 09/27/2010
SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 3749 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 09/27/2010 | 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):

pairdocketing@ssiplaw.com

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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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY MN 55125

In re Application of :
EDENS, JASON W. et al. : DECISION ON PETITION
Application No. 12/491,717 : TO MAKE SPECIAL UNDER
Filed: June 25, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 1109-001US01 : PILOT PROGRAM
Title of Invention: SOLAR POWERED FURNACE AND FURNACE ARRAY

This is a decision on the petition under 37 CFR 1.102, filed July 29, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **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 and be filed prior to the date of the notice, December 8, 2009.

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

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

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

The petition lacks items 1, 4, 5 and 8.

#1 In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction." Currently, the application contains s 5 independent claims.

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 solar energy is collected and converted to heating energy for furnace operation. It is noted that there is no heat transfer medium for heat transfer and energy conversion in the independent claims.

In regard to item 5, petitioner should note that a statement has not been provided that states that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner as required by the Notice. Accordingly, the petition cannot be granted without such a statement.

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.

The application is being 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

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---|---|---|---|
| First Named Inventor: | Jason W. Edens | Confirmation No. | 5921 |
| Serial No.: | 12/491,717 | Group Art Unit: | 3749 |
| Filed: | June 25, 2009 | Customer No.: | 28863 |
| Docket No.: | 1109-001US01 | Examiner: | Unknown |
| Title: | SOLAR POWERED FURNACE AND FURNACE ARRAY | | |

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on October 27, 2010.

By: Beth M. Lindblom
Name: Beth M. Lindblom

**PETITION FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §§ 1.102(c)(2)(i) and 1.102(c)(2)(ii)**

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the following revised Petition to Make Special and respectfully requests reconsideration of the Decision on Petition dated September 27, 2010. Applicant respectfully requests that the present application be granted Special Status under 37 C.F.R. 1.102 and the pilot program for applications pertaining to Green Technologies set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The application referenced above was filed on June 25, 2009 and claims priority to provisional application 61/092, 292, which was filed on August 27, 2008. The application published on March 4, 2010 as US 2010/0051019 A1.

**(1) Status of Claims**

A preliminary amendment is filed herewith, which cancels pending claims 18-20. Following entry of this preliminary amendment, the application will include three independent claims and less than 20 total claims. The application does not include any multiple dependent claims.

**(2) Basis for Seeking Special Status**

The inventions described and claimed in the present application materially contribute to more efficient utilization and conservation of energy resources and reduce greenhouse gas emissions.

The inventions relate to solar powered furnaces and arrays thereof. The solar furnaces include a solar absorption plate that absorbs solar energy and converts the absorbed solar energy to heat (specification, paragraph 23, claim 10). The solar furnaces also include at least one channel through which a fluid (such as, for example, air) flows and thermally contacts the solar absorption plate to transfer at least a portion of the heat from the absorber plate to the fluid (specification, paragraph 23, claim 10). An air handling system, such as a fan or a blower, forces the air through the solar furnace to circulate the air into and out of a building (specification, paragraph 30).

The furnaces may be mounted on an exterior of a building to capture solar energy and supplement a home heating system, which reduces the consumption of energy being used at the building site, such as, for example, electricity, natural gas, propane, and/or fuel oil. This reduction in energy consumption reduces emissions of, for example, $CO_2$, $NO_x$, $SO_2$, CO, and volatile organic compounds, which are produced in the generation of energy from coal, natural gas and the like.

In addition to reducing greenhouse gas emissions and other pollutants, the technology described and claimed in this application is a source of domestic energy, which increases national energy security.

For example, greenhouse gas emission calculations based on displacing electricity and using data from Leonardo Academy Inc., Multiple Pollutant Emission Reduction Reporting

System (MPERRS), determined that some embodiments of the inventions described and claimed in this application can provide the following environmental benefits:

- 120,000 BTUs/$ft^2$ of collector produced per heating season
- Reduces $CO_2$ emissions by 84 pounds per year per $ft^2$ of collector
- Reduces $NO_x + SO_2 + PM + VOC + CO$ by 1.934 pounds per year per $ft^2$ of collector
- Reduces mercury emissions by $2 \times 10^{-6}$ pounds per year per $ft^2$ of collector

**(3) Response to Restriction Requirement**

Applicant agrees to make an election without traverse in a telephonic interview if a Restriction Requirement is made by the Examiner in this case.

**(4) Timing of Filing**

No Office Action on the merits has been issued in this case, as confirmed in the Patent Application Information Retrieval System (PAIR) on October 26, 2010.

**(5) Publication Fee**

Applicant authorizes a withdrawal of $300.00 from USPTO Deposit Account 50-1778 for pre-payment of the Publication Fee.

**(6) Conclusion**

In view of the above, Applicant respectfully requests that the present application be accorded special status and advanced for examination under 37 C.F.R. §§ 1.102(c)(2)(i) and 1.102(c)(2)(ii).

Please apply any deficiencies or credits to Deposit Account No. 50-1778. If questions remain regarding the above, please contact the undersigned.

Respectfully submitted,

Date:
October 27, 2010

By: _____

Name: H. Sanders Gwin, Jr.
Reg. No.: 33,242

SHUMAKER & SIEFFERT, P.A.
1625 Radio Drive, Suite 300
Woodbury, Minnesota 55125
Telephone: 651.286.8361
Facsimile: 651.735.1102

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. |
|---|---|---|---|---|
| 12/491,717 | 06/25/2009 | Jason W. Edens | 1109-001US01 | 5921 |

28863 7590 11/18/2010
SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 3749 | |

| 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):

pairdocketing@ssiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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1625 RADIO DRIVE
SUITE 300
WOODBURY MN 55125

| | | |
|---|---|---|
| In re Application of | : | |
| EDENS, JASON W. et al | : | DECISION ON PETITION |
| Application No. 12/491,717 | : | TO MAKE SPECIAL UNDER |
| Filed: June 25, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 1109-001US01 | : | PILOT PROGRAM |

This is a decision on the renewed petition under 37 CFR 1.102, filed Oct. 27, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center ##00

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 13, 2012

In re Application of :

Soo-Min Choi

Application No : 12491742

Filed : 25-Jun-2009

Attorney Docket No : ASEG-034/01US 307632-2047

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 13, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

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

| | |
|---|---|
| Name | Advanced Semiconductor Engineering, Inc. |
| Name2 | c/o Foley & Lardner |
| Address 1 | 975 Page Mill Road |
| Address 2 | |
| City | Palo Alto |
| State | CA |
| Postal Code | 94304 |
| 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**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12491742 |
| Filing Date | 25-Jun-2009 |
| First Named Inventor | Soo-Min Choi |
| Art Unit | 2891 |
| Examiner Name | JENNY WAGNER |
| Attorney Docket Number | ASEG-034/01US 307632-2047 |
| Title | CHIP PACKAGE |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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 | Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner |
| Address | 975 Page Mill Road |
| City | Palo Alto |
| State | CA |
| Postal Code | 94304 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /William S. Galliani/ |
| Name | William S. Galliani |
| Registration Number | 33885 |

UNITED STATES PATENT AND TRADEMARK OFFICE

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. |
|---|---|---|---|---|
| 12/491,757 | 06/25/2009 | Tohru Fujimaki | 1924.85234 | 5989 |

7590 09/10/2010

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

| EXAMINER | |
|---|---|
| NGUYEN, HOA T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2627 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/10/2010 | 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.

Betty Lowell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : July 29, 2011

Patent No. :7790878
Ser. No. :12492036
Inventor(s) : Sailen Barik
Issued :September 7, 2010
Title :RNAI MODULATIONOF RSV, PIV AND OTHER RESPIRATORY VIRUSES AND :USES THEREOF

**Re: Request for Certificate of Correction**

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

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

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

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

A. the processing fee set forth in 37 CFR 1. 17(i) (currently $130);
B. **a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

| | |
|---|---|
| By mail: | Mail Stop PETITIONS<br>Commissioner for Patents<br>Post Office Box 1450<br>Alexandria, VA 22313-1450 |
| By hand: | Customer Service Window<br>Mail Stop Petitions<br>Randolph Building<br>401 Dulany Street<br>Alexandria, VA 22314 |
| By fax: | (703) 872-9306<br>ATTN: Office of Petitions |
| Electronic Filing | uspto.gov/ebc/index.html<br>(must be registered as an e-filer)<br>Support 1-866-217-9197 571-272-4100 |

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

Any inquiry concerning this communication should be directed to Ms. A. Green at 571-272-9005.

For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-9805

Alnylam/Fenwick
Silicon Valley Center
301 California Street
Mountain View, CA 94041

/arg

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

ALNYLAM/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

**MAILED**
DEC 06 2011
**OFFICE OF PETITIONS**

In re Patent No. 7,790,878 :
Issue Date: September 7, 2010 :
Application No. 12/492,036 : ON PETITION
Filed: June 25, 2009 :
Attorney Docket No. 26421-15818 US :

This is a decision on the renewed petition filed October 24, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to change the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

**Doc Code: PET.GREEN**
**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| Attorney Docket Number: 11-0679.02 | Application Number (if known): 12/492037 | Filing date: June 25, 2009 |
|---|---|---|

First Named Inventor: Vladimir Moldovanu

Title: Method and System of Preheating

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

| Signature | Date 8 AUG 2011 |
|---|---|
| Name (Print/Typed) George P. Kobler | Registration Number 46837 |

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

☐ *Total of _____ forms are submitted.

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

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

| | |
|---|---|
| In re Application of: Moldovanu | Examiner: Mashruwala, Nikhil |
| App. Serial No.: 12/492037 | Art Unit: 3749 |
| Filed: June 25, 2009 | Confirmation No.: 6511 |
| Title: ***Method and System of Preheating*** | |

***STATEMENT REGARDING ELIGIBILITY FOR PETITION TO MAKE SPECIALUNDER THE GREEN TECHNOLOGY PILOT PROGRAM***

Applicant in the above-styled case hereby respectfully asserts that the present application is eligible for special status under the Green Technology Pilot Program on the grounds that the claims therein are directed to a single invention that results in a more efficient utilization of energy resources, namely, preheating combustion air using solar energy prior to combustion air entry into a combustion chamber for a boiler where the solar energy heats a fluid that circulates through a heat exchanger to heat the intake air prior to combustion. Since the combustion air is pre-heated the combustion reaction will take less energy to occur and provide more energy to heat the boiler water resulting greater efficiency. And since solar energy is used, a virtually inexhaustible energy source is employed to add energy to the system. The application was submitted with twenty claims of which two are independent claims. It is believed that the

application is directed to only one invention and that a restriction election requirement will not be necessary. Nonetheless, Applicant acknowledges and agrees to the requirement to elect an eligible invention, without traverse.

Please be advised that the present application was already published on December 30, 2010. Accordingly, Applicant submits that request for early publication and the associated fee under Rule 1.18(d) is not required. Applicant therefore respectfully requests waiver of this requirement.

Respectfully submitted,

August 9, 2011

George P. Kobler
Reg. No. 46,837

LANIER FORD SHAVER & PAYNE P.C.
Customer Number 021491
P.O. Box 2087
Huntsville, Alabama 35804-2087
Phone: (256) 535-1100
Fax: (256) 533-9322

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. |
|---|---|---|---|---|
| 12/492,037 | 06/25/2009 | Vladimir Moldovanu | 11-0679.02 | 6511 |

21491 7590 09/08/2011

LANIER FORD SHAVER & PAYNE P.C.
P O BOX 2087
HUNTSVILLE, AL 35804-2087

| EXAMINER | |
|---|---|
| MASHRUWALA, NIKHIL P | |
| ART UNIT | PAPER NUMBER |
| 3749 | |
| MAIL DATE | DELIVERY MODE |
| 09/08/2011 | PAPER |

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

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

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LANIER FORD SHAVER & PAYNE P.C.
P O BOX 2087
HUNTSVILLE AL 35804-2087

:

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|---|---|---|
| In re Application of | | |
| MOLDOVANU, VLADIMIR | : | DECISION ON PETITION |
| Application No. 12/492,037 | : | TO MAKE SPECIAL UNDER |
| Filed: June 25, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 11-0679.02 | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed August 10, 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).

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technology. This is not convincing. It is not clear how the claimed combustion air preheating in a boiler heating system and method will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. There is no relationship between the statement and the claimed subject matter.

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.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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

| | |
|---|---|
| In re Application of: Moldovanu | Examiner: Mashruwala, Nikhil |
| App. Serial No.: 12/492037 | Art Unit: 3749 |
| Filed: June 25, 2009 | Confirmation No.: 6511 |
| Title: ***Method and System of Preheating*** | |

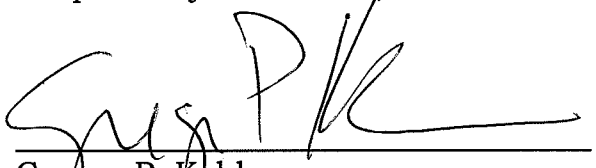
***REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIALUNDER THE GREEN TECHNOLOGY PILOT PROGRAM***

Applicant respectfully disagrees with rejection of its Petition to Make Special under the Green Technology Pilot Program and restates that the present application is eligible for special status. That the claims therein are directed to a single invention that results in a more efficient utilization of energy resources, namely, preheating combustion air using solar energy prior to combustion air entry into a combustion chamber for a boiler where the solar energy heats a fluid that circulates through a heat exchanger to heat the intake air prior to combustion. Since the combustion air is pre-heated, the system will need less energy to initiate the combustion reaction and provide more energy to heat the boiler water resulting greater efficiency. Again, since solar energy is used to pre-heat air prior to its intake into the combustion chamber, a virtually inexhaustible energy source is employed to add energy to the system.

The result is that the system will use less fossil fuels for energy compared to conventional boiler systems. This novel feature, in turn, reduces environmental pollution, and reduces fossil fuel consumption. It is respectfully asserted that these results achieve the goals that are the impetus of the Green Technology Pilot Program. In addition, transmitted herewith is the fee required under Rule 1.18, through a deduction from the deposit of the customer number below.

Accordingly, Applicant respectfully requests reconsideration and granting of its Petition to Make Special under the Green Technology Pilot Program.

Respectfully submitted,



September 29, 2011

George P. Kobler
Reg. No. 46,837

LANIER FORD SHAVER & PAYNE P.C.
Customer Number 021491
P.O. Box 2087
Huntsville, Alabama 35804-2087
Phone: (256) 535-1100
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/492,037 | 06/25/2009 | Vladimir Moldovanu | 11-0679.02 | 6511 |

21491 7590 10/27/2011

LANIER FORD SHAVER & PAYNE P.C.
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HUNTSVILLE, AL 35804-2087

| EXAMINER | |
|---|---|
| MASHRUWALA, NIKHIL P | |
| ART UNIT | PAPER NUMBER |
| 3749 | |
| MAIL DATE | DELIVERY MODE |
| 10/27/2011 | PAPER |

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

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

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10/27/11

| | | |
|---|---|---|
| In re Application of | : | |
| Moldovanu | : | DECISION ON PETITION |
| Application No. 12/492,037 | : | TO MAKE SPECIAL UNDER |
| Filed: 6/25/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **11-0679.02** | : | PILOT PROGRAM |

This is a decision on the request for reconsideration, filed 9/29/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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TI Law Group
2055 Junction Avenue, #205
San Jose CA 95131-2116

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
David Heller :
Application No. 12/492,043 : DECISION ON PETITION
Filed: June 25, 2009 :
Attorney Docket No. 101-P524C1/P4587USC1 :

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

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a proper response to a non-final Office Action, which was mailed on January 18, 2011. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on April 19, 2011. A Notice of Abandonment was mailed on August 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2185 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Attorney Advisor
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
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# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| Attorney Docket Number: 0105452.00363US2 | Application Number (if known): 12/492,093 | Filing date: June 25, 2009 |
|---|---|---|
| First Named Inventor: CALABRESE, Paula, et. al. | | |
| Title: ENGINEERED FUEL FEED STOCK USEFUL FOR DISPLACEMENT OF COAL IN COAL FIRING PLANTS | | |

**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: First Preliminary Amendment

| Signature /Jacob Steven Oyloe/ | Date December 27, 2010 |
|---|---|
| Name (Print/Typed) Jacob Steven Oyloe | Registration Number 58,686 |

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

☒ *Total of 1 forms are submitted.

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

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

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/492,093 | 06/25/2009 | Paula A. CALABRESE | 0105452.00363US2 | 6637 |

23483 7590 01/12/2011

WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

| EXAMINER | |
|---|---|
| WEISS, PAMELA HL | |
| ART UNIT | PAPER NUMBER |
| 1771 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 01/12/2011 | ELECTRONIC |

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

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

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

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JAN 12 2011

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|---|---|---|
| In re Application of | : | |
| Calabrese et al. | : | DECISION ON PETITION |
| Application No. 12/492,093 | : | TO MAKE SPECIAL UNDER |
| Filed: 6/25/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **0105452.00363US2** | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 12/27/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

**Doc Code: PET.GREEN**
**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| Attorney Docket Number: 0105452.00365US2 | Application Number (if known): 12/492,096 | Filing date: June 25, 2009 |
|---|---|---|
| First Named Inventor: BAI, Dingrong | | |
| Title: ENGINEERED FUEL FEED STOCK | | |

**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: First Preliminary Amendment

| Signature /Jacob Steven Oyloe/ | Date December 27, 2010 |
|---|---|
| Name (Print/Typed) Jacob Steven Oyloe | Registration Number 58,686 |

***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.**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/492,096 | 06/25/2009 | James W. BOHLIG | 0105452.00365US2 | 6642 |

23483 7590 01/12/2011

WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

| EXAMINER | |
|---|---|
| WEISS, PAMELA HL | |
| **ART UNIT** | **PAPER NUMBER** |
| 1771 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 01/12/2011 | ELECTRONIC |

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

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

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

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

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JAN 12 2011

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|---|---|---|
| In re Application of | : | |
| Bohlig et al. | : | DECISION ON PETITION |
| Application No. 12/492,096 | : | TO MAKE SPECIAL UNDER |
| Filed: 6/25/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **0105452.00365US2** | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 12/27/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/18/12

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No.: 12492159 Patent No.: 8093551

CofC mailroom date: 02/08/12

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (CofC)**
**Randolph Square – 9D10-A**
**Palm Location 7580**
*You can fax the Directors/SPE response to 571-273-3421*

Note: **Should the changes be made?**

*Lamonte Newsome*

**Certificates of Correction Branch**

**571-272-3421**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

**Comments:** _____

_____

_____

_____

_____

_____ 2881

**SPE** **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/492,228 | 06/26/2009 | Takeshi CHUJOH | 343827US2SRD DIV | 6911 |

7590 02/23/2011

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

| EXAMINER | |
|---|---|
| CZEKAJ, DAVID J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2483 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 02/23/2011 | 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 Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of :
Ian Reed Moise :
Application No. 12/492,230 : DECISION ON PETITION
Filed: June 26, 2009 : TO WITHDRAW
Attorney Docket No. MOIS0001-100 : 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 January 27, 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 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 (2) 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. 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).

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: IAN REED MOISE
3416 TYBURN TREE COURT
HERNDON, VA 20171

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

**MAILED**

**APR 03 2012**

**OFFICE OF PETITIONS**

In re Application of
Ian Reed Moise
Application No. 12/492,230
Filed: June 26, 2009
Attorney Docket No. MOIS0001-100

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 March 28, 2012.

The request is **APPROVED**.

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

The request was signed by Doreen Y. Trujillo on behalf of all attorneys of record who are associated with customer No. 34132. All attorneys/agents associated with the Customer Number 34132 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: IAN REED MOISE
3416 TYBURN TREE CT
HERNDON, VA 20171

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 |
|---|---|---|---|
| 12/492,230 | 06/26/2009 | Ian Reed Moise | MOIS0001-100 |

**CONFIRMATION NO. 6913**

**POWER OF ATTORNEY NOTICE**

34132
COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

*OC000000053508251*

Date Mailed: 04/03/2012

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2012.

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

/amwise/

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

**Doc Code: PET.GREEN**
**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| Attorney Docket Number: 2800/15 | Application Number (if known): 12/492,244 | Filing date: 06-26-2009 |
|---|---|---|

First Named Inventor: Sergey Frolov

Title: PATTERNED PHOTOVOLTAIC DEVICES

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

| Signature /Stuart H. Mayer/ | Date July 28, 2010 |
|---|---|
| Name (Print/Typed) Stuart H. Mayer | Registration Number 35,277 |

***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.*

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# Instruction Sheet for
# Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

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

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

# Privacy Act Statement

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

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

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

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

Applicant: Sergey Frolov et al.

Serial No.: 12/492,244

Filed: 06-26-09

Title: PATTERNED PHOTOVOLTAIC DEVICES

Art Unit: 1795

Examiner: Unassigned

Confirmation No.: 6938

Docket No.: 2800/15

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

Certificate of Electronic Transmission
Under 37 C.F.R. §1.8

I hereby certify that this correspondence and any document referenced herein are being electronically filed with the USPTO via EFS-Web on 8/4/10.

Marjorie Scariati

(Printed Name of Person Sending Correspondence)

/Marjorie Scariati/

(Signature)

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

Sir:

This Statement of Special Status is accompanied by a Petition to Make Special Under the Green Technology Pilot Program.

Applicant submits that this application should be deemed eligible to participate in the Green Technology Pilot Program due to its subject matter. This application relates to renewable energy. Specifically, it relates to photovoltaic cells and systems incorporating such cells that can be used to convert solar energy to electrical and or/thermal energy.

CONCLUSION

The undersigned submits that all eligibility requirements have been met, specifically, the application was filed before December 9, 2009, has not received a Restriction Requirement or Office Action on the merits to date, contains no more than three (3) independent claims and

twenty (20) total claims, contains no multiple dependent claims, and a Petition to Make Special and accompanying Statement of Special Status have been submitted herewith.

It is respectfully requested that the Petition to Make Special Under the Green Technology Pilot Program be granted, and the application advance to examination promptly upon the granting of said Petition. Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

FEES

While it is not believed that any fees are due as a result of this Response, the Office is authorized to charge any fees required, to deposit account number 50-1047.

Respectfully submitted,

/Stuart H. Mayer/
Stuart H. Mayer
Registration No. 35,277

Attorney for Applicants
Mayer & Williams PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
Tel: 908-518-7700
Fax: 908-518-7795

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. |
|---|---|---|---|---|
| 12/492,244 | 06/26/2009 | Sergey Frolov | 2800/15 | 6938 |

27774 7590 08/12/2010

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 1795 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 08/12/2010 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

AUG 12 2010

In re Application of :
Sergey Frolov et al. : DECISION ON PETITION
Application No. 12/492,244 : TO MAKE SPECIAL UNDER
Filed: June 26, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 2800/15 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 04, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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. |
|---|---|---|---|---|
| 12/492,257 | 06/26/2009 | Yinyan TAN | HW705081 | 6969 |

7590 08/30/2010

Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago, IL 60601

| EXAMINER | |
|---|---|
| ABEL JALIL, NEVEEN | |
| **ART UNIT** | **PAPER NUMBER** |
| 2165 | |
| **NOTIFICATION DATE** | **DELIVERY MODE** |
| 08/30/2010 | ELECTRONIC |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 08/27/2010 NFANTER
06/26/2009 INTERSU 00306060 121216 12492257
12 FC:1111 540.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ross and Larson, LLP
5430 LBJ Freeway, Suite 1200
Dallas, TX 75240

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of :
Paul Kenneth Wolff, et al. :
Application No. 12/492,291 : NOTICE
Filed: June 26, 2009 :
Atty Docket No.: 1002-1000 :

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.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 9/10/2010
Patent No. : 7,691,471 B2
Serial No. : 12/492,294
Inventor(s) : Ding et al.
Issue Date : April 8, 2010
Title : **POLYCYCLIC POLYIMIDES AND COMPOSITIONS AND METHODS RELATING THERETO**
Doc./File No. : **HP0090USDIV**

Re: Reconsideration for Certificate of Correction

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

Respecting the alleged error(s) in your request, in column 18, claim 1, line 67, after further review, the examiner of record reveals that, "Applicants' changes are denied because"CX3" appears in the final version of the claims (per 09/29/2009). Furthermore. –CH3, is already recited on line 66 of said claim1".

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

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

**Ernest C. White, *LIE* (703) 756-1590**
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
**ernest.white@uspto.gov**

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

ecw

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

**Paper No.:** _____

**DATE** : 9/7/10

**TO SPE OF** : ART UNIT 1796 (1700)

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/492,294 Patent No.: 7,691,471

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*
*Randolph Sq. Ste 9D62A*
*703-756-1590*

**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. |
| **X Denied** | State the reasons for denial below. |

Applicants' changes are denied because 'CX3" appears in the final version of the claims (per 09/29/2009). Furthermore, -CH3- is already recited on line 66 of said claim 1.

**SPE** _____ **ART UNIT** _____

**/Ana Woodward/ 9/7/2010**

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

LOUIS J. HOFFMAN, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix, AZ 85028

MAILED
OCT 20 2011
OFFICE OF PETITIONS

In re Application of :
Robert Koelsch, et. al. :
Application No. 12/492,348 : ON PETITION
Filed: June 26, 2009 :
Attorney Docket No. 77-parent :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed August 8, 2011, to withdraw the holding of abandonment in the above-identified application.

The above application was held abandoned based on the filing of a petition for Express Abandonment under 37 CFR 1.138, submitted on April 25, 2011. A Notice of Abandonment was mailed on April 27, 2011.

Petitioner asserts that the evidence presented will show a finding that a court order issued by the United States Bankruptcy Court for the District of Arizona, dated July 13, 2011, concluded that the persons who approved and filed the Express Abandonment had no power to make that filing on behalf of the assignee[1].

Petitioner's argument has been considered and is persuasive; therefore, the petition is **GRANTED**.

In view of the above, this application is restored to pending status and the Notice of Abandonment mailed April 27, 2011, is hereby vacated. Accordingly, the above application is being referred to Technology Center Art Unit 3618 for review of the amendment filed on August 8, 2011.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] A copy of the court order issued by the United States Bankruptcy Court for the District of Arizona was filed on July 20, 2011.

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE BLACK & DECKER
CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Chung, et al.
Application No. 12/492,436
Filed: 26 June, 2009
Attorney Docket No. 577-908

DECISION ON PETITION

This is a decision on the petition filed on 9 August, 2010, pursuant 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

*(Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.)*

## BACKGROUND

The record reflects as follows:

The application was deposited on 26 June, 2009, without, *inter alia*, a fully executed oath/declaration

On 13 July, 2009, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 16 November, 2009, Petitioner Adan Ayala (Reg. No. 38,373) filed, *inter alia*, a petition with fee, and a statement pursuant to 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Deng for himself and on behalf of non-signing inventor Kwok Wah Chung, however, a clear statement by Petitioner indicates that the materials sent to Kwok Wah Chung were not delivered and there is no showing by Petitioner in the record of a diligent effort to ascertain a valid/current/reasonably believed to be last-known address for Kwok Wah Chung in order to send to him the entire application (description, claims, abstract, drawings) as required. These elements of the showing had to be clarified on any renewed petition—and the petition was dismissed on 8 March, 2010.

On 9 August, 2010, Petitioner re-advanced the petition, and a statement pursuant to 37 C.F.R. §1.47, and Petitioner made a showing that the entire application (description, claims, abstract, drawings) was sent to the non-signing inventor and that the non-signing inventor could not reached or refused to sign the oath/declaration after having been presented with the entire application (specification: description, claims, abstract and drawings); and a statement of the last known address of the non-signing inventor with a showing of diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. The showing presented of record indicates that an actual search for the non-signing inventor by his employer resulted in an inability to find him at his former location and a further inability to ascertain a new address for the non-signing inventor—thus, the non-signing inventor could not be found.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor could not be found after diligent search.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

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

## CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

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

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

[2] The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

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

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KWOK WAH CHUNG
ROOM 01/FLAT 12F
78K TOKWANWAN ROAD
KOWLOON, HONG KONG

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Chung, et al.
Application No. 12/492,436
Filed: 26 June, 2009
Attorney Docket No. 577-908

CORRESPONDENCE

Dear Kwok Wah Chung:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

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

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/ ).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

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

Counsel of Record:
THE BLACK & DECKER
CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

[1] The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

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

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED
OCT 21 2010
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Peter S. Wang, et al. | : | DECISION NOTING JOINDER OF |
| Application No. 12/492,469 | : | INVENTOR AND PETITION |
| Filed: June 26, 2009 | : | UNDER 37 CFR 1.47(a) |
| Attorney Docket No.: IPH-2-2101US02 | : | |

Papers filed on August 3, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed July 1, 2010, included a Declaration signed by a previously non-signing inventor, Shankar Somasundaram, in compliance with 37 CFR 1.63.

Accordingly, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

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

This application is being referred to Technology Center AU 2473 for prosecution in due course.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/140<br>U.S. Patent and Trademark Office<br>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 | 12492475 |
| Filing Date | 26-Jun-2009 |
| First Named Inventor | Eiji Suetsugu |
| Art Unit | 2824 |
| Examiner Name | PHO LUU |
| Attorney Docket Number | 344418US2 |
| Title | SEMICONDUCTOR DEVICE HAVING PLURALITY OF OPERATION MODES |

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<br><br>◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)<br><br>◯ 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.<br><br>☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :<br>The RCE request ,submission, and fee have already been filed in the above-identified application on<br><br>☒ Are attached. |
| THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES<br><br>I certify, in accordance with 37 CFR 1.4(d)(4) that I am:<br><br>◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.<br><br>◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.<br><br>◯ A sole inventor<br><br>◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors<br><br>◯ A joint inventor; all of whom are signing this e-petition<br><br>◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71 |

| | |
|---|---|
| Signature | /Michael L. Gellner/ |
| Name | Michael L. Gellner |
| Registration Number | 27256 |

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Decision Date : April 14,2011

In re Application of :

Eiji Suetsugu

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12492475

Filed : 26-Jun-2009

Attorney Docket No : 344418US2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 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 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 2824 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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IP & T GROUP LLP
7700 LITTLE RIVER TURNPIKE
SUITE 207
ANNANDALE, VA 22003

**MAILED**

FEB 02 2011

**OFFICE OF PETITIONS**

In re Application of
Sang-Kil Kang et al
Application No. 12/492,552
Filed: June 26, 2009
Attorney Docket No. P09H0084US

ON PETITION

This is a decision on the petition, filed February 1, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid on January 28, 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 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement filed January 28, 2011.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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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. |
|---|---|---|---|---|
| 12/492,565 | 06/26/2009 | David Lothrop | 19679ROUS01U | 7550 |

34645 7590 01/20/2011

Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE, MA 01741

| EXAMINER | |
|---|---|
| BOST, DWAYNE D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

| 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):

john@gorecki.us
jgorecki@smmalaw.com
officeadmin@smmalaw.com

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Anderson Gorecki & Manaras, LLP
Attn: John C. Gorecki
P.O BOX 553
CARLISLE MA 01741

| | | |
|---|---|---|
| In re Application of | : | |
| LOTHROP, DAVID et al. | : | DECISION ON REQUEST TO |
| Application No. 12/492,565 | : | PARTICIPATE IN PATENT |
| Filed: June 26, 2009 | : | PROSECUTION HIGHWAY |
| Attorney Docket No. 19679ROUS01U | : | PILOT PROGRAM AND PETITION |
| | : | TO MAKE SPECIAL UNDER |
| | : | 37 CFR 1.102(a) |

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

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO application(s) containing the allowable/patentable claim(s); and
(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 is deficient as follows:

Petitioner has not complied with items 1, 2, 3, 5, and 6 above.

Regarding item 1, the U.S. application does not currently claim priority under 35 USC 119(a) to one or more applications filed in the CIPO, or does not claim priority under 35 USC 119(a)/365(a) or 35 USC 365(b) as defined in OG Notice 1327 OG 45; February 5, 2008.

Regarding items 2, 5, and 6, applicant has not submitted a copy of the allowable/patentable claim(s) from the CIPO application(s), a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s), and 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.

Regarding item 3, since a copy of the allowable/patentable claim(s) from the CIPO application has not been filed, a correspondence to all the claim(s) in the U.S. application cannot be made.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

MAILED

DEC 08 2011

OFFICE OF PETITIONS

In re Application of :
John M. Curotto, et al. :
Application No. 12/492,639 : DECISION ON PETITION
Filed: June 26, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 70152.12 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in a amendment filed July 18, 2011.

The petition is **GRANTED**.

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

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

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

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

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

This application is being forwarded to the Office of Data Management via Technology Center Art Unit 3652 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.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning the status of the application should be directed to Office of Data Management Staff at (571) 272-4200

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|---|---|---|---|---|---|---|
| 12/492,639 | 06/26/2009 | 3652 | 1236 | 70152.12 | 34 | 4 |

**CONFIRMATION NO. 7680**

**CORRECTED FILING RECEIPT**

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 12/08/2011

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

**Applicant(s)**

John M. Curotto, Sonoma, CA;
Edward M. Suden, Napa, CA;
Gideon Gimlan, Los Gatos, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 32605

**Domestic Priority data as claimed by applicant**

This application is a DIV of 11/731,092 03/29/2007 PAT 7,553,121
which is a DIV of 10/688,474 10/16/2003 PAT 7,210,890

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
TAIWAN 097124867 07/02/2008

**If Required, Foreign Filing License Granted:** 07/07/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/492,639**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****
**Title**

FRONT-LOADABLE REFUSE CONTAINER HAVING SIDE-LOADING ROBOTIC ARM WITH MOTORS AND OTHER MASS MOUNTED AT REAR OF CONTAINER AND USE OF SAME WITH

FRONT-LOADING WASTE-HAULING VEHICLE HAVING HYDRAULIC FRONT FORKS OR OTHER RETRACTABLY ENGAGEABLE LIFT MEANS

**Preliminary Class**

414

## 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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**FOX ROTHSCHILD LLP**
**PRINCETON PIKE CORPORATE CENTER**
**997 LENOX DRIVE**
**BLDG. #3**
**LAWRENCEVILLE NJ 08648**

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of
Asher Wagh
Application No. 12/492,681
Filed: June 26, 2009
Attorney Docket No. 74243.00002

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 3, 2011.

The request is **not approved.**

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Kenneth Ma, and attorneys associated with customer number 29880, do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Asher Wagh
1750 Coleman Street
Brooklyn, NY 11234

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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**LAW OFFICE OF DELIO & PETERSON, LLC.**
**121 WHITNEY AVENUE**
**NEW HAVEN CT 06510**

**MAILED**

**JUN 0 1 2011**

**OFFICE OF PETITIONS**

In re Application of :
Gerald L. Munson, et al. :
Application No. 12/492,840 : DECISION ON PETITION
Filed: June 26, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. MUNS100001000 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 14, 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 from the attorney of record declaring that he/she in possession of such evidence that proves the applicant, Gerald L. Munson declaring that he is 65 years of 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 1723 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

# AN INPUT BUFFER AND METHOD WITH AC POSITIVE FEEDBACK, AND A MEMORY DEVICE AND COMPUTER SYSTEM USING SAME

## CROSS-REFERENCE TO RELATED APPLICATION

[001] This application is a continuation of United States Patent Application No. 11/639,452, filed December 15, 2006. now, U.S. Pat. No. 7,558,125 ~~This application is~~ incorporated by reference herein.

## TECHNICAL FIELD

[002] This invention relates generally to integrated circuits, and more specifically to an apparatus and method for a comparator circuit that uses AC positive feedback to reduce false switching due to slope reversals of a received signal.

## BACKGROUND OF THE INVENTION

[003] Input buffers are commonly used in a wide variety of integrated circuits. Buffers generally perform a number of advantageous functions when used in digital circuits. For example, buffers generally provide a high input impedance to avoid excessively loading circuits to which they are connected, and they have a low output impedance to simultaneously drive electrical circuits without excessive loading. Buffers can condition the signals applied to internal circuits so that the internal signals have well-defined logic levels and transition characteristics. Buffers are used, for example, to couple command, address and write data signals from command, address and data buses, respectively, of memory devices, including dynamic random access memory ("DRAM") devices.

[004] There are also several types of input buffers. For example, there are single ended input buffers in which a single input signal is applied to the buffer to cause the buffer to transition when the input signal transitions through predetermined voltage levels. Single-ended input buffers may also be used to compare the input signal to a reference voltage so that when the input signal transitions through the reference voltage the output of the buffer also transitions. Differential input buffer circuits are useful in

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/14/11

TO SPE OF : ART UNIT: **2827 Attn: ZARABIAN AMIR (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/492923 Patent No.: 7872926

CofC Mailroom date: 01/31/11

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**

**Tasneem Siddiqui**
Certificates of Correction Branch
703-756-1593 or 703-756-1814

**Thank You For Your Assistance**

---

**The request for issuing the above-identified correction(s) is hereby:**
Note your decision on the appropriate box.

| | |
|---|---|
| ☒ **Approved** | **All** changes apply. |
| ☐ **Approved in Part** | Specify below which changes **do not** apply. |
| ☐ **Denied** | State the reasons for denial below. |

**Comments:** _____

_____

_____

_____ SPE

2827 Art Unit

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
NOV 16 2011
OFFICE OF PETITIONS

In re Application of
Hongfeng Wei, et al.
Application No. 12/492,929
Filed: June 26, 2009
Attorney Docket No. 115860-001UTL

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 25, 2011.

The request is **APPROVED**.

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

The request was signed by Katherine Proctor on behalf of all attorneys of record who are associated with customer No. 27189. All attorneys/agents associated with the Customer Number 27189 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed October 18, 2011 that requires a reply from the applicant.

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

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

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

cc: HONGFENG WEI
4660 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

cc: SID FOROUGI
4660 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

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 | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 12/492,929 | 06/26/2009 | Hongfeng Wei | 115860-001UTL |

**CONFIRMATION NO. 8265**

**POWER OF ATTORNEY NOTICE**

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

*OC000000050901741*

Date Mailed: 11/10/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/25/2011.

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

/amwise/

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

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**SELDON & SCILLIERI**
**10940 WILSHIRE BLVD., 18 FLOOR**
**LOS ANGELES CA 90024-3952**

**MAILED**

DEC 2 0 2010

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Chris VOLEK | : | |
| Application No. 12/492,982 | : | DECISION ON PETITION |
| Filed: June 26, 2009 | : | TO WITHDRAW |
| Attorney Docket No. DREAM/16(US) | : | FROM RECORD |
| | : | |

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

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: CHRIS VOLAK
3535 EAST COAST HIGHWAY, #242
CORONA DEL MAR, CA 92626

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

MAILED
OCT 06 2010
OFFICE OF PETITIONS

Applicant: Puthigae, et al.
Appl. No.: 12/492,983
Filing Date: June 26, 2009
Title: Compositions And Methods For The Improvement Of Plants
Attorney Docket No.: DAIRY94.005DV1
Pub. No.: US 2010/0005546 A1
Pub. Date: January 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 2, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein two of inventor's names "Kieran Michael Elborough" was misprinted as "Kleran Michael Elborough" and Jonathan Robert Phillips" was misprinted as "Janthan Robert Philips".

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 on the front page of the publication wherein two of the inventor's name are misspelled may be Office errors, but they are not material Office errors under 37 CFR 1.221. The typographical errors in the inventor's names do not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine

[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 scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Filing receipts were mailed on July 15, 2009 and September 29, 2009, which incorrectly listed the two inventor's name. To avoid this type of problem in the future applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

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

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

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.

M O. P

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

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

| Attorney Docket Number: T4957-K072 | Application Number (if known): 12/493,014 | Filing date: June 26, 2009 |
|---|---|---|
| First Named Inventor: Chan-Li HSUEH | | |
| Title: HYDROGEN SUPPLY DEVICE | | |

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

| Signature /Randy A. Noranbrock/ | Date January 13, 2011 |
|---|---|
| Name (Print/Typed) Randy A. Noranbrock | Registration Number 42,940 |

***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.*

**Docket No. T4957-K072** **PATENT**

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

| | | |
|---|---|---|
| In re Application of | : | |
| Chan-Li HSUEH et al. | : | Confirmation No. 8467 |
| U.S. Patent Application No. 12/493,014 | : | Group Art Unit: 1775 |
| Filed: June 26, 2009 | : | Examiner: Lawrence Jr., Frank M. |

For: HYDROGEN SUPPLY DEVICE

**STATEMENT OF SPECIAL STATUS**

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

Dear Sir:

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

The above-referenced application pertains to environmental quality, i.e. enhancing the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements and may materially contribute to greenhouse gas emission reduction. Special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

Lowe Hauptman Ham & Berner, LLP

/Randy A. Noranbrock/

Randy A. Noranbrock
Registration No. 42,940

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 RAN/ser
Facsimile: (703) 518-5499
Date: January 13, 2011

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. |
|---|---|---|---|---|
| 12/493,014 | 06/26/2009 | Chan-Li HSUEH | T4957-K072 | 8467 |

22429 7590 01/25/2011

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

| EXAMINER | |
|---|---|
| LAWRENCE JR, FRANK M | |
| **ART UNIT** | **PAPER NUMBER** |
| 1775 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 01/25/2011 | PAPER |

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

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

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

01/25/2011

| | | |
|---|---|---|
| In re Application of | : | |
| Hsueh et al. | : | DECISION ON PETITION |
| Application No. 12/493,014 | : | TO MAKE SPECIAL UNDER |
| Filed: 6/26/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **T4957-K072** | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 1/13/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1775 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE, CA 92612

MAILED
SEP 23 2011
OFFICE OF PETITIONS

In re Application of :
Daniel Adams :
Application No. 12/493,024 : DECISION ON PETITION
Filed: June 26, 2009 :
Attorney Docket No.: A1561-0105 :

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

The petition is **DISMISSED**.

Petitioner indicates the she is acting in a representative capacity for applicant; however, the electronic signature does not comply with 37 CFR 1.4(d)(2). Further, since Sandra Poteat Thompson, PhD is not listed as a registered attorney or agent of record, she is required to set forth her registration number when acting in a representative capacity.

37 CFR 1.33 (b) states that:

Amendments and other papers filed in the application must be signed by:

(1) An attorney or agent appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a Representative capacity under the provisions of § 1.34(a);

* * *

37 CFR 1.34 states:

"When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the

provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature. Further proof of authority to act in a representative capacity may be required."

Further, 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 petition lacks item (3). In this regard, the petition does not contain an acceptable statement of unintentional delay because the petition is not properly signed.

This decision is made without prejudice to reconsideration. However, 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 permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and include a ratification of the unsigned petition.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

| | |
|---|---|
| By mail: | Mail Stop PETITIONS<br>Commissioner for Patents<br>Post Office Box 1450<br>Alexandria, VA 22313-1450 |
| By hand: | Customer Service Window<br>Mail Stop Petitions<br>Randolph Building<br>401 Dulany Street<br>Alexandria, VA 22314 |
| By fax: | (571) 273-8300<br>ATTN: Office of Petitions |

By Internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
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

BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE, CA 92612

MAILED
OCT 27 2011
OFFICE OF PETITIONS

In re Application of
Daniel Adams
Application No. 12/493,024
Filed: June 26, 2009
Attorney Docket No.: A1561-0105

ON PETITION

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

The petition is not signed by a patent practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Dr. Sandra P. Thompson appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 30, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 30, 2011, which set a statutory period for reply of three (3) months. A Notice of Abandonment was subsequently mailed on July 21, 2011. A petition under the provisions of 37 CFR 1.137(b) was filed on September 1, 2011; however, the petition was dismissed in a decision mailed September 22, 2011. On October 13, 2011, the present petition was filed.

The petitions satisfy the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of the $755 issue fee and $300 publication fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

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

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, 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.

UNITED STATES 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 13, 2012

In re Application of :

Chieh-Chen Fu

Application No : 12493065

Filed : 26-Jun-2009

Attorney Docket No : ASEG-035/00US 307632-2055

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 13, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

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

| | |
|---|---|
| Name | Advanced Semiconductor Engineering, Inc. |
| Name2 | c/o Foley & Lardner |
| Address 1 | 975 Page Mill Road |
| Address 2 | |
| City | Palo Alto |
| State | CA |
| Postal Code | 94304 |
| 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**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12493065 |
| Filing Date | 26-Jun-2009 |
| First Named Inventor | Chieh-Chen Fu |
| Art Unit | 2835 |
| Examiner Name | THERON MILLISER |
| Attorney Docket Number | ASEG-035/00US 307632-2055 |
| Title | STRUCTURE AND PROCESS OF EMBEDDED CHIP PACKAGE |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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 | Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner |
| Address | 975 Page Mill Road |
| City | Palo Alto |
| State | CA |
| Postal Code | 94304 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /William S. Galliani/ |
| Name | William S. Galliani |
| Registration Number | 33885 |

UNITED STATES PATENT AND TRADEMARK OFFICE

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. |
|---|---|---|---|---|
| 12/493,081 | 06/26/2009 | Frederick W. Holzhauer | METHP001 | 8619 |

28875 7590 08/12/2010
Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

| EXAMINER | |
|---|---|
| HAMMER, KATIE L | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1796 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 08/12/2010 | 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):

anita@zilkakotab.com
dottie@zilkakotab.com
jennifer@zilkakotab.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

AUG 12 2010

In re Application of :
Frederick Holzhauer et al. : DECISION ON PETITION
Application No. 12/493,081 : TO MAKE SPECIAL UNDER
Filed: June 26, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. METHP001 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 23, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

As set forth at numeral 8 above, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the $300 publication fee in accordance with this notice.

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 Technology Center Art Unit 1796 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
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Jones IP Group
2225 East Bayshore Road
Suite 205
Palo Alto, CA 94303

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of Lynch et al. :
Application No. 12/493,091 : Decision on Petition
Filing Date: June 26, 2009 :
Attorney Docket No. DROPP 007A :

This is a decision on the petition under 37 CFR 1.137(b) filed June 3, 2011, which requests revival of 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 July 15, 2009. The notice set a period for reply of two (2) months from the mail date of the notice. An extension of time was not obtained. Accordingly, the above-identified application became abandoned on September 16, 2009. A Notice of Abandonment was mailed on March 22, 2010.

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) the required reply it the form of an amendment and fees, (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.

Attorney Dusty S. Vogelpohl signed the instant petition. Vogelpohl was not an attorney of record at the time the application became abandoned. Therefore, it appears Vogelpohl may not have been in a position to have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by Vogelpohl that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] 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 a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

The Office of Patent Application Processing will be informed of the instant decision and the application will be prepared for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[2] *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 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

| | | | |
|---|---|---|---|
| Application No: | 12/493,107 | Filing date: | June 26, 2009 |
| First Named Inventor: | David W. Stiver | | |
| Title of the Invention: | DATA CENTER THERMAL MONITORING | | |

**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/US2009/048966

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/493,107 |
| First Named Inventor: | David W. Stiver |

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 13, 2010, and February 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 13, 2010, and February 11, 2011

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| | | Please see Claims Correspondence Table on separate sheet |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /Matthew K. Wernli/ | Date April 28, 2011 |
| Name (Print/Typed) Matthew K. Wernli | Registration Number 63,173 |

# 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.

Attorney Docket No.: 16113-1203001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---|---|---|---|
| Applicant | : Stiver et al. | Art Unit | : 2863 |
| Serial No. | : 12/493,107 | Examiner | : Unknown |
| Filed | : June 26, 2009 | Conf. No. | : 8678 |
| Title | : DATA CENTER THERMAL MONITORING | | |

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

CLAIMS CORRESPONDENCE TABLE FOR PCT-PPH REQUEST

| Claim in U.S. Application 12/493,107 | Corresponding Claim in PCT Application PCT/US2009/048966 | Explanation regarding the correspondence |
|---|---|---|
| 1 | 1 | Claim 1 in U.S. Application 12/493,107 is identical to claim 1 in PCT Application PCT/US2009/048966 |
| 2 | 2 | Claim 2 in U.S. Application 12/493,107 is identical to claim 2 in PCT Application PCT/US2009/048966 |
| 3 | 3 | Claim 3 in U.S. Application 12/493,107 is identical to claim 3 in PCT Application PCT/US2009/048966 |
| 4 | 4 | Claim 4 in U.S. Application 12/493,107 is identical to claim 4 in PCT Application PCT/US2009/048966 |
| 5 | 5 | Claim 5 in U.S. Application 12/493,107 is identical to claim 5 in PCT Application PCT/US2009/048966 |
| 6 | 6 | Claim 6 in U.S. Application 12/493,107 is identical to claim 6 in PCT Application PCT/US2009/048966 |
| 7 | 7 | Claim 7 in U.S. Application 12/493,107 is identical to claim 7 in PCT Application PCT/US2009/048966 |
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| 19 | 19 | Claim 19 in U.S. Application 12/493,107 is identical to claim 19 in PCT Application PCT/US2009/048966 |
| 20 | 20 | Claim 20 in U.S. Application 12/493,107 is identical to claim 20 in PCT Application PCT/US2009/048966 |
| 21 | 21 | Claim 21 in U.S. Application 12/493,107 is identical to claim 21 in PCT Application PCT/US2009/048966 |
| 22 | 22 | Claim 22 in U.S. Application 12/493,107 is identical to claim 22 in PCT Application PCT/US2009/048966 |
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| 26 | 26 | Claim 26 in U.S. Application 12/493,107 is identical to claim 26 in PCT Application PCT/US2009/048966 |
| 27 | 27 | Claim 27 in U.S. Application 12/493,107 is identical to claim 27 in PCT Application PCT/US2009/048966, indicated as patentable |
| 28 | 28 | Claim 28 in U.S. Application 12/493,107 is identical to claim 28 in PCT Application PCT/US2009/048966 |
| 29 | 29 | Claim 29 in U.S. Application 12/493,107 is identical to claim 29 in PCT Application PCT/US2009/048966 |
| 30 | 30 | Claim 30 in U.S. Application 12/493,107 is identical to claim 30 in PCT Application PCT/US2009/048966 |
| 31 | 31 | Claim 31 in U.S. Application 12/493,107 is identical to claim 31 in PCT Application PCT/US2009/048966, indicated as patentable |
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*[Continued on next page]*

(54) Title: DATA CENTER THERMAL MONITORING

(57) Abstract: A measurement indicative of a temperature of a computer is received and a thermal health value for the computer is calculated based on the measurement.

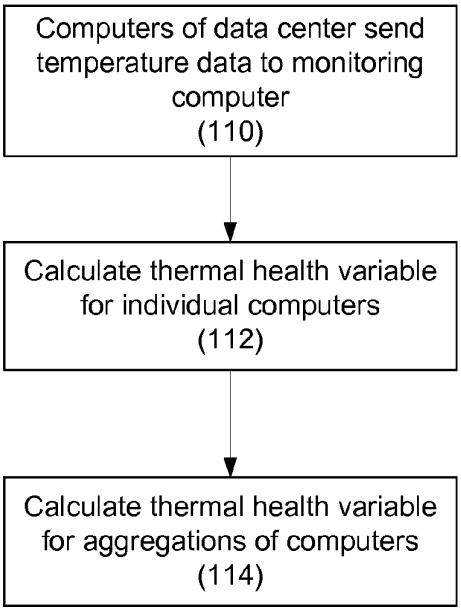


FIG. 4

WO 2009/158683 A2

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# DATA CENTER THERMAL MONITORING

## TECHNICAL FIELD

[0001] This document relates to thermal monitoring of computers.

## BACKGROUND

[0002] The power consumed by a microprocessor is transformed into heat. A pair of microprocessors mounted on a single motherboard can draw 200-400 watts or more of power. If that power draw is multiplied by several thousand (or tens of thousands) to account for the computers in a data center, the potential for heat generation can be appreciated. Not only must a data center operator pay for electricity to operate the computers, it must also pay to cool the computers. The cost of removing heat may be a major cost of operating large data centers.

[0003] In addition, components of a computer, such as a microprocessor, memory or disk drive, are subject to breakdown when subjected to high temperatures. A fan can provide a steady flow of air across the components of the computer to carry away heat, and heat sinks can be attached to some components, particularly the microprocessor, to improve thermal transfer to the surrounding air. Despite these precautions, computer components can still overheat and fail, particularly when operating at high utilization.

## SUMMARY

[0004] In one aspect, a method includes receiving a measurement indicative of a temperature of a computer and calculating a thermal health value for the computer based on the measurement.

[0005] Implementations of the invention can include one or more of the following features. Calculating the thermal health value may include comparing the measurement to stored thresholds. The measurement may be one or more of a temperature, a power draw of the computer, a utilization of

the computer, or a rotation rate of a fan of the computer. Multiple measurements of different types may be received, and calculating the thermal health value may combines the multiple measurements. The measurement may be a temperature measurement of one or more of a central processing unit of the computer, a disk drive of the computer, a memory module of the computer, a motherboard of the computer, or air in proximity to the computer. The thermal health value may be a dimensionless value, e.g., a number, e.g., in the range of 0 to 1 or in the range of 0 to 10. A descriptor may be selected for the thermal health value from a finite set of descriptors. Calculating the thermal health value may include normalizing for a platform type of the computer. An alarm may be generated if the thermal health value crosses a threshold. One or more of power, cooling and utilization may be adjusted based on the thermal health value. A measurement indicative of the temperature of the computer may be received from each of a plurality of computers, and a thermal health value may be calculated for each of a plurality of computers. At least some of the plurality of computers may be different platforms, and calculating a thermal health value for each of a plurality of computers may include normalizing such that each thermal health value falls within the same range of values. The range of values may map to computer behavior that is uniform across different platforms. The thermal health values may be aggregated, e.g., the thermal health values of the plurality of computers may be averaged to generate a thermal health value for the plurality of computers. The thermal health values may be aggregated across one or more of a power domain, a cooling domain, a logical domain and a physical location domain.

[0006] In another aspect, a computer program product, tangibly embodied in a machine readable storage media, comprising instructions for causing a processor to perform these methods.

[0007] Advantages can include one or more of the following. An operator can easily evaluate the thermal health of computers in a data center at different aggregation levels. The thermal health value can be monitored over time, and past behavior can be used to predict future thermal health. Corrective action can be taken if the thermal health variable indicates that the computers are at

risk of failure, thereby improving reliability and reducing down-time of data center.

[0008] The details of one or more embodiments are set forth in the accompanying drawings and the description below. Other features, objects, and advantages will be apparent from the description and drawings, and from the claims.

## DESCRIPTION OF DRAWINGS

[0009] FIGS. 1A and 1B are sectional side and plan views, respectively, of a facility operating as a data center.

[0010] FIG. 1C is a schematic view of the components of a computer in the data center.

[0011] FIG. 2 is a schematic illustration of computers of a data center configured to provide temperature information to a monitoring computer.

[0012] FIG. 3 is flowchart illustrating a method of collecting data on failure temperatures for computer components.

[0013] FIG. 4 is flowchart illustrating a method of thermally monitoring a data power center.

## DETAILED DESCRIPTION

[0014] Large-scale Internet services and the massively parallel computing infrastructure that is required to support them can require the design of warehouse-sized computing systems, e.g., data center facilities, made up of thousands or tens of thousands of computing nodes, their associated storage hierarchy and interconnection infrastructure. The data center can include many different types of computer equipment, e.g., different types of computers, and each piece of equipment is typically constructed from multiple smaller electronic components.

[0015] As note above, computer components generate heat. Thermal events, e.g., situations in which the temperature of the computer components rises sufficiently high to cause short-term performance impairment or reduce long-term reliability, can be caused by a variety of factors, such as cooling plant failures, deployment of too many computers in close proximity (so that the

local heat generated is greater than the local cooling capabilities of the cooling system), excessive utilization, and season variations.

[0016] Different computers can have different sensitivities to high temperatures, e.g., the temperature at which components fail, suffer impaired performance or long-term reliability loss, and the nature of the failure, vary for platforms of differing configuration. Moreover, only specialists are likely to understand the danger to a computer represented by raw temperature measurements. To make temperature data more useful to a non-specialist operator, e.g., for real time human decision-making or formation of pre-programmed responses, temperature data for a computer or group of computers can be transformed into a thermal health value.

[0017] Although a thermal health value can be generated for a single machine, thermal health is particularly useful for evaluating a large number of machines, e.g., an entire cluster.

[0018] The thermal health value can indicate a margin, e.g., how "close" the computer or group of computers is to impaired performance. The overall thermal health of a data center can be governed by a distribution, rather than a single worst case or maximum value.

[0019] An exemplary data center facility will be described as an introduction to the thermal monitoring issues.

[0020] FIGS. 1A and 1B are side and plan views to illustrate an exemplary facility 10 that serves as a data center. The facility 10 includes an enclosed space 12 and can occupy essentially an entire building, or be one or more rooms within a building. The enclosed space 12 is sufficiently large for installation of numerous (dozens or hundreds or thousands of) racks of computer equipment, and thus could house hundreds, thousands or tens of thousands of computers.

[0021] Modules, e.g., cages 20, of rack-mounted computers are arranged in the space in rows 22 separated by access aisles 24. Each cage 20 can include multiple racks 26, e.g., four to eight racks, and each rack includes multiple computers 28, e.g., trays.

[0022] FIG. 1C is a schematic view of a computer from a rack. In general, each computer 28 can include a circuit board 50, such as a motherboard, on

which a variety of computer-related components are mounted, such as a central processing unit (CPU) 52, memory 54, one or more disk drives 56, and an input/output port 58 to connect the computer to the network of other computers in the data center.

[0023] Returning to FIGS. 1A and 1B, the facility also includes a cooling system to remove heat from the data center via one more heat exchange processes, e.g., an air conditioning system to blow cold air through the room, or cooling coils that carry a liquid coolant past the racks, and a data grid 40 (see FIG. 1C) for connection to the rack-mounted computers to carry data between the computers and an external network, e.g., the Internet.

[0024] As mentioned above, components of a computer, such as a microprocessor, memory or disk drive, can fail when subject to high temperatures. Failure of a component typically includes multiple modes, such as a first temperature zone where the performance of the component is altered (generally reduced), a higher second temperature zone in which the error rate of the component, e.g., read/write errors for a disk drive, dramatically increases, and a still higher third temperature zone in which the component completely fails. The temperatures at which components exhibit the different modes of failure can be characterized independently through empirical means. However, there can be other considerations which can impact performance, including component duty cycle, voltage, and manufacturing variation.

[0025] The order in which components fail as a function of temperature can be similar or vary across different platforms, e.g., for some platforms, as temperature increases the memory can fail first, followed by the disk drive, followed by the CPU. Other orders are possible. For example, on some platforms, the CPU performance may be most susceptible to temperature excursions, followed by disk drives and then memory. However, the exact temperature as which failures occur vary for platforms of differing configuration. For example, different models of CPUs will begin failing at different temperatures. Thus, even if temperature data is available, the temperature data itself does not necessarily provide useful information regarding the thermal health of the machine, much less a collection of

machines having different configurations such as typically occurs in a data center.

[0026] Thus, as stated above, it would be useful to the human operator of a data center to have an indication of the thermal condition of a computer, or group of computers, that does not require knowledge of the particular platform to evaluate whether the computer is failing or is in danger of failure. Failure can include either reduced performance, or irreparable damage, or both, and different types of failure can receive different weightings in determining the thermal health.

[0027] The fact that components tend to proceed through the same order of failure modes as temperature increases tends to result in a certain sequence of error modes as temperature increases. Thus, as temperatures increase, the computer will tend to proceed through several zones of thermal "health", e.g., at lower temperatures the computer will operate normally and can be considered "healthy", at higher temperatures certain errors will occur and the computer could be considered "unhealthy", and once the computer fails entirely it could be considered "dead". In addition, the "unhealthy" stage could include several levels as the errors become more frequent or errors begin occurring in a larger number of components. In addition, there can be a "danger" stage indicating that if temperatures increase further that the computer will enter the "unhealthy" stage, and at even higher temperature a "critical" stage indicating that the computer is on the verge of complete failure. There could be nearly any number of unique health-level stages defined.

[0028] This general indication of the thermal condition of the computer can be termed a "thermal health variable", which can have a "thermal health value". Thus, the thermal health variable is a metric, typically a non-dimensional metric, of the thermal condition of a single computer or aggregation of computers in the data center, but which is independent of the particular configuration of the computer.

[0029] The thermal health variable can be normalized across computers of different configuration. That is, the thermal health value is calculated for the individual computer to fall within a scale shared across multiple computers, e.g., across all computers of a data center, with at least the endpoints of the

shared scale (and potentially at least some middle points in the scale) representing similar behavior of the computers. Such a thermal health value can be calculated from the combination of contemporary measurements indicative of the machine temperature, and historical empirical measurements of temperatures at which the behavior occurs. Because data centers are a heterogenous collection of equipment, normalization across these differences helps provide a usable parameter for assessing the thermal health of the entire cluster. Essentially, the thermal health variable should represent the health of the computer or group of computers, but be independent of the individual machine specifics.

[0030] In some cases, a system is only as healthy as its most unhealthy component. For example, if a CPU is "dead" then the entire computer will be dead. In some cases, the thermal health is an aggregation of component thermal healths. For example, thermal health at the datacenter level is an aggregation of thermal healths for individual machines. In some implementations, the thermal healths can be aggregated to provide the thermal health of the aggregation of computers simply by averaging together the thermal health of the individual computers in the aggregation.

[0031] FIG. 2 is a schematic diagram of a system for determining a thermal health value. At least some of the computers 28 in the data center are connected through a network, e.g., the data grid 40, to a monitoring computer 60, such as a general purpose computer, e.g., a workstation.

[0032] These computers 28 each include at least one sensor that measures a temperature of at least one of the components. For example, the computers 28 can use sensors to measure the temperature of the CPU, memory, hard drive or motherboard. In addition, the computers 28 can accumulate other data indicative of the thermal health, such as fan speed, which would indicate how hard a machine is working to cool itself. For instance, if two machines are at the same temperature, but the fan speed of the first machine is at the maximum possible value, while the fan speed of the second machine two is at a nominal value, the thermal health for the first machine would be reported as being slightly worse because this machine has less ability to maintain its thermal health in adverse conditions. In addition, there can be sensors

installed in the racks or cages to measure the temperature of the environment, e.g., the air near the computers 28, and this data can used in the determination of thermal health. In addition, the computers can gather data regarding their power draw and/or utilitization, as temperature can be assumed to scale with power and utilization. The computer 28 can receive thermal data from other tray-level thermal sensors, and from other rack or cage-level sensors, e.g., sensors that monitor the cooling infrastructure for a rack or cage, e.g., that measure the entering air temperature (EAT), leaving air temperature (LAT), entering water temperature (EWT) and leaving water temperature (LWT).

[0033] In some implementations, each computer calculates its own thermal health based on the specifics of its individual components and available data from sensors. In some implementations, some or all computers send their measurements to a monitoring computer 60, and the monitoring computer 60 calculates the thermal health based on the received data. The monitoring computer 60 can receive thermal data from other tray-level thermal sensors, and from other sources of hardware health information. In some implementations, the thermal health values calculated by the computers 28 are sent to the monitoring computer 60, and the monitoring computer can calculate thermal health for aggregations of the computers 28.

[0034] FIG. 3 is a flowchart illustrating a method of determining failure temperatures of a computer. Initially, the response of one or more computers to temperature, including the failure temperature of computer components, is determined empirically (step 102). For example, a test computer with known components can be placed in a temperature controlled environment, e.g., an oven. The test computer is operated while the temperature of the environment is increased. The performance of the test computer is monitored, e.g., the test computer can run test routines and report errors, while thermocouples or other sensors can measure the temperatures of the components. From this data, the temperatures at which the components fail can be determined. The data indicating the components and their failure temperatures can be stored in a database (step 104).

[0035] For each type of platform, a function can be generated to relate the sensor measurements available for that platform to the thermal health value. These functions can also be stored in a database that relates the platforms to the functions. A computer installed in the data center can be configured (before or after installation) to include the function that corresponds to its platform. The initial decision on what constitutes a "failure" on a particular component or computer so as to set an associated threshold can involve some judgment by a designer of the thermal health monitoring system, but so long the mapping is consistent that one side of the range for the thermal health value represent good performance and the other side represents near total failure, the thermal health variable should provide useful information. In addition, it can be possible to provide a somewhat consistent standard for similar components so that if different platforms have the same thermal health value, then they are experiencing the same performance degradation. For example, a certain error rate (e.g., in terms of errors/second), for a particular type of component, e.g., for memory, could be selected by the designer to consistently map to a certain thermal health value, e.g., a threshold between the different desired descriptors, e.g., "healthy" and "unhealthy".

[0036] FIG. 4 is a flowchart illustrating a method of determining a thermal health value during operation of a data center. Some or all of the computers send data indicating the temperature of their components to the monitoring computer (step 110). For each computer, the monitoring computer calculates a thermal health variable based on the received temperature data and the previously measured failure temperatures for the component in the computer (step 112). In some implementations, the computer stores the function and calculates its own thermal health based on the specifics of its individual components and available sensors, and then sends the calculated thermal health to a monitoring computer.

[0037] The thermal health variable can be calculated from data from a variety of sensors on each computer, including temperature sensors, fan speed, power, and utilization. In order to allow comparisons across different types of platforms, the thermal health variable is normalized to indicate similar machine behaviors at similar thermal health values. For example, at the

lowest thermal health value, e.g., 0, all of the machines would fall into the category of having a substantial margin to increase temperature without risk, whereas at the highest thermal health value, e.g., 10, all of the machines would fall into the category of permanent damage. As indicated earlier, the machine behaviors are correlated back to previously measured failure temperatures (step 112).

[0038] The calculated thermal health variable can be a non-dimensional metric, e.g., a number. In some implementations, the thermal health variable has a finite small number of possible values. For example, the thermal health variable could be an integer ranging from 0 to 10 or 1 to 5, e.g., with lower numbers indicating better health. In some implementations, the thermal health variable can be a number with a vary large number of possible values, e.g., represented by a word of data in the computer; in such implementations the thermal health value can be real number, e.g., ranging from 0 to 1 or 0 to 10.

[0039] The thermal health variable can be displayed to the operator. In some implementations, the thermal health variable can be displayed with an associated text description, e.g., “good”, “Ok” or “bad”. Other descriptors can include “substantial margin”, “normal operating condition”, “exceeds normal operating condition”, “reduced performance”, “increased error rate”, and ‘’permanent failure.” In some implementations, the numerical value is not displayed and only the text description is displayed.

[0040] Where the thermal health variable has a finite small number of possible values, the textual descriptions could be mapped on a one-to-one basis with the values, or the thermal health value could itself be textual description (rather than a number). Where the thermal health variable can be effectively continuous, various ranges of values can be associated with the textual descriptors. For example, if the thermal health variable scales between 0 and 1, then values from 0 to 0.75 can indicate the machine is operating within expected temperature range, values from 0.75 to 0.9 can indicate that the machine is operating outside expected controllable temperature range, values from 0.9 to 1 can indicate that the machine may

have reached throttling or maximum allowable temperature, and a value of 1 indicates that the machine has reached the maximum allowable temperature.

[0041] In general, to calculate the thermal health variable, the received temperature data can be fed into a function in which the previously measured failure temperatures of the test computers determine thresholds. The received temperatures are compared to the thresholds to determine the thermal health variable. For example, exceeding any of a first set of thresholds might set the thermal variable as "ok", whereas exceeding any of a second set of thresholds might set the thermal variable as "bad". The function can be fairly complicated, including calculation of a value from differences between the temperature measurements and the thresholds and weighting of the differences based on the types of component or threshold.

[0042] In addition to the constants in the function (e.g., the empirically measured thresholds) varying from machine to machine depending on the tolerances of the components of the particular machines, the variables used in the function (e.g., the type of measurement, such as temperature or utilization), and the relationship of the variables in the function, can vary from machine to machine, so long as the calculated value falls within a scale shared across multiple computers. For example, some computers might use temperature measurements to calculate the thermal health value, and other computers might use utilization to calculate the thermal health value. So long as the values use a shared scale, they can be aggregated, e.g., simply averaged, to determine the thermal health of the aggregate of computers. In some implementations, some computers are weighted more heavily than other computers the thermal health of the aggregate of computers.

[0043] In some implementations, the thermal health value is a numerical value calculated from other numerical measurements and empirically measured thresholds of behavior. In one example, an algorithm to derive a normalized non-dimensional thermal health value between 0 and 1, with 0 indicating the maximum possible margin and 1 indicating that the machine is at or above the highest/worst behavioral zone is the following:

$$THV = 1 - [T_{allowable} - T]/M_{max}$$

where THV is the thermal health value, $T_{allowable}$ is the maximum allowable temperature before highest/worst behavioral changes, T is the reported temperature from a sensor, and $M_{max}$ is the maximum allowable expected margin, used to normalize results between 0 and 1.

[0044] The monitoring computer will communicate with the individual computers throughout the data center. Optionally, the monitoring computer can aggregate thermal health data for further processing, e.g., the monitoring computer optionally can calculate thermal health variables for one or more aggregations of computers (step 114). The thermal health value of the aggregation can be calculated as the average of the thermal health variables of the individual computers in the aggregation, although other techniques such as cumulative distribution functions or mean-square may be applicable.

[0045] The aggregation can be a location-based aggregation, i.e., based on physical location of the computers. For example, the thermal health value could be determined for a group of computers within a given rack, module, row, cluster or data center.

[0046] The aggregation can be an infrastructure-based aggregation, i.e., based on computers that share a common infrastructure component. For example, the thermal health value could be determined for a group of computers within a particular power or cooling domain.

[0047] The aggregation can be a service-based aggregation, i.e., based on function that the computers perform in the data center, or even based on the customer that the computers serve. For example, the thermal health value could be determined for a group of computers in the data center that serve search results, electronic mail or map generation. The aggregation can be a logical network grouping, e.g., based on computers within a particular networking domain or subdomain.

[0048] It can be useful to present the thermal health of an aggregation as a cumulative distribution function, i.e., the percentage of computers operating at or below a given thermal health value.

[0049] Once the thermal health variable has been determined, it can be used, e.g., automatically by control software, to adjust the performance of the computers to avoid thermal failure. For example, if the thermal health variable

exceeds a certain threshold or indicates a warning, then the computers in an aggregation can be throttled, e.g., by redirecting queries to other computers so as to reduce utilization of the computers in the aggregation and thus reduce power use and temperature. As another example, the thermal health variable can be used to control the cooling system or other cooling resources, e.g., if the thermal health value exceeds a certain threshold then the rate of heat removal can be increased to lower the temperature of the computers and reduce the risk of failure. Conversely, if the thermal health value is below a certain threshold, this can indicate that the computers have some margin to operate at higher temperature, and the rate of heat removal can be decreased to reduce cooling costs. In extreme situations, one or more computers that exceed a critical threshold can be automatically shut down to avoid permanent damage to the computer components.

[0050] The monitoring computer can automatically generate an alarm to alert the data center operator if a thermal health variable crosses a threshold, e.g., exceeds some preset value. For example, a rack-level thermal health value can be generated as the average thermal health value of all computer in a given rack. As an example of an alarm condition, an alarm can be generated if a preset percentage, e.g., 4% to 10%, of the racks in the cluster have a thermal health value that exceeds a preset value, e.g., 0.75 on a 0-to-1 scale. The function can include a safety margin so that if some temperatures are close to a threshold, the thermal health variable will indicate a warning.

[0051] The thermal health variable can also be used to make decisions regarding machine placement. For example, by comparing the thermal health values aggregated at the rack level, an operator can determine which racks have greater capacity to handle additional thermal loads (e.g., under the presumption that racks with the lowest thermal health values are best able to handle additional thermal loads). Placement of new machines into the racks with the greater capacity to handle additional thermal loads can then be prioritized.

[0052] The relative weighting of the classes of failures (e.g., reduced performance versus irreparable damage) could be set for or by the customer,

since some customers may consider one type of failure to be worse than another.

[0053] A thermal rate of change, e.g., the time derivative of the thermal variable, can be calculated for a computer or aggregation of computers. A high rate of change can indicate that a machine or group of machines may be in trouble. This thermal rate of change can be normalized as discussed above for the thermal health variable.

[0054] The thermal health value may be calculated even if no empirical measurements have been conducted on the particular platform. Assuming that the characteristics of the platform are stored, e.g., the type of CPU, memory and number and type of disk drives, and assuming that empirical measurements have been conducted on similar equipment, e.g., the same or similar components, it may be possible to calculate approximate failure temperatures. For example, failure temperatures could be interpolated from the measured failure temperatures of the other test components, e.g., test components from the same manufacturer.

[0055] Various steps of the processes discussed above, particularly the calculation of the thermal health value, are performed by computer. Some steps, such as shutting down computers in response to elevated danger levels of the thermal health variable, could be performed by human operators in response to receiving the thermal health variable, e.g., when displayed, or automatically by control software, e.g., in the monitoring computer.

[0056] An advantage of machine thermal health is that normalized values are generated therefore the operator, or a programmer designing control software that uses thermal health variable, does not have to know about platform type. The thermal health can be aggregated across many different dimensions, and many different statistical methods can be applied to gather information about the health of the computers. In addition to computers, the thermal health variable may be applicable to other forms of computing equipment that might fail as a result of high temperatures, such as network switches, smart racks or power units.

[0057] Embodiments and all of the functional operations described in this specification can be implemented in digital electronic circuitry, or in computer

software, firmware, or hardware, including the structural means disclosed in this specification and structural equivalents thereof, or in combinations of them. Embodiments of the invention can be implemented as one or more computer program products, i.e., one or more computer programs tangibly embodied in an information carrier, e.g., in a machine readable storage media, such as a memory or disk, or in a propagated signal, for execution by, or to control the operation of, data processing apparatus, e.g., a programmable processor, a computer, or multiple processors or computers.

[0058] A number of embodiments of the invention have been described. Nevertheless, it will be understood that various modifications may be made without departing from the spirit and scope of the invention. Accordingly, other embodiments are within the scope of the following claims.

**WHAT IS CLAIMED IS:**

1. A computer-implemented method, comprising:

receiving a measurement indicative of a temperature of a computer; and

calculating a thermal health value for the computer based on the measurement.

2. The method of claim 1, wherein calculating the thermal health value includes comparing the measurement to a stored threshold.

3. The method of claim 1, wherein the measurement comprises one or more of a temperature, a power draw of the computer, a utilization of the computer, or a rotation rate of a fan of the computer.

4. The method of claim 3, further comprising receiving multiple measurements of different types and wherein calculating the thermal health value combines the multiple measurements.

5. The method of claim 1, wherein the measurement comprises a temperature measurement of one or more of a central processing unit of the computer, a disk drive of the computer, a memory module of the computer, a motherboard of the computer, or air in proximity to the computer.

6. The method of claim 1, wherein the thermal health value is a dimensionless value.

7. The method of claim 6, wherein the thermal health value is a number in the range of 0 to 1.

8. The method of claim 6, wherein the thermal health value is a number in the range of 0 to 10.

9. The method of claim 1, further comprising selecting a descriptor for the thermal health value from a finite set of descriptors.

10. The method of claim 1, wherein calculating the thermal health value includes normalizing for a platform type of the computer.

11. The method of claim 1, further comprising generating an alarm if the thermal health value crosses a threshold.

12. The method of claim 1, further comprising adjusting one or more of power, cooling or utilization based on the thermal health value.

13. The method of claim 1, further comprising:

from each of a plurality of computers, receiving the measurement indicative of the temperature of the computer; and

calculating a thermal health value for each of a plurality of computers.

14. The method of claim 13, wherein at least some of the plurality of computers are different platforms, and wherein calculating a thermal health value for each of a plurality of computers includes normalizing such that each thermal health value falls within the same range of values.

15. The method of claim 14, wherein the range of values provides a mapping to computer behaviors that is uniform across different platforms.

16. The method of claim 13, further comprising aggregating the thermal health values.

17. The method of claim 16, further comprising aggregating the thermal health across one or more of a power domain, a cooling domain, a logical domain and a physical location domain.

18. A computer program product, tangibly embodied in a machine readable storage media, comprising instructions for causing a processor to:

receive a measurement indicative of a temperature of a computer; and

calculate a thermal health value for the computer.

19. The computer program product of claim 18, wherein instructions to calculate the thermal health value include instructions to compare the measurement to stored thresholds.

20. The computer program product of claim 18, wherein the measurement comprises one or more of a temperature, a power draw of the computer, a utilization of the computer, or a rotation rate of a fan of the computer.

21. The computer program product of claim 20, further comprising instructions to receive multiple measurements of different types and wherein instructions to calculate the thermal health value include instructions to combine the multiple measurements.

22. The computer program product of claim 20, wherein the measurement comprises a temperature measurement of one or more of a central processing unit of the computer, a disk drive of the computer, a memory module of the computer, a motherboard of the computer, or air in proximity to the computer.

23. The computer program product of claim 18, wherein the thermal health value is a dimensionless value.

24. The computer program product of claim 23, wherein the thermal health value is a number in the range of 0 to 1.

25. The computer program product of claim 23, wherein the thermal health value is a number in the range of 0 to 10.

26. The computer program product of claim 18, further comprising instructions to select a descriptor for the thermal health value from a finite set of descriptors.

27. The computer program product of claim 18, wherein instructions to calculate the thermal health value include instructions to normalize for a platform type of the computer.

28. The computer program product of claim 18, further comprising instructions to generate an alarm if the thermal health value crosses a threshold.

29. The computer program product of claim 18, further comprising instructions to adjust one or more of power, cooling and utilization based on the thermal health value.

30. The computer program product of claim 18, further comprising instructions to receive, from each of a plurality of computers, the measurement indicative of the temperature of the computer, and calculate a thermal health value for each of a plurality of computers.

31. The computer program product of claim 30, wherein at least some of the plurality of computers are different platforms, and wherein the instructions to calculate a thermal health value for each of a plurality of computers includes instructions to normalize such that each thermal health value falls within the same range of values.

32. The computer program product of claim 31, wherein the range of values provide a mapping values of computer behavior that is uniform across different platforms.

33. The computer program product of claim 31, further comprising instructions to aggregate the thermal health values.

34. The computer program product of claim 33, further comprising instructions to aggregate the thermal health across one or more of a power domain, a cooling domain, a logical domain and a physical location domain.

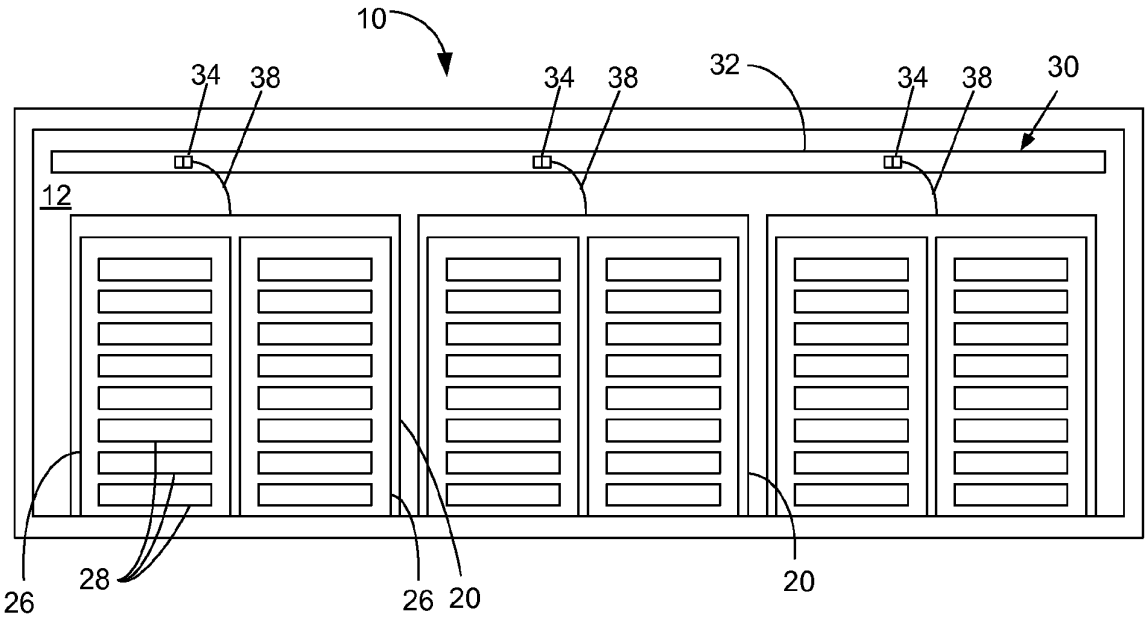


FIG. 1A

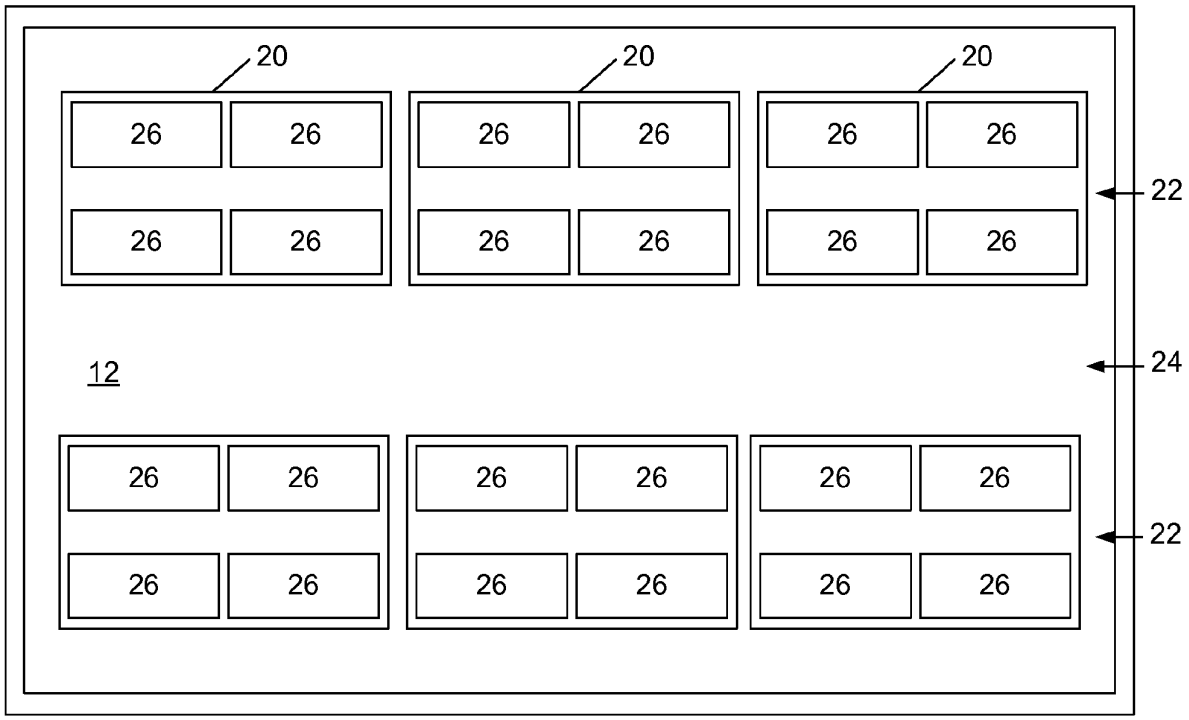


FIG. 1B

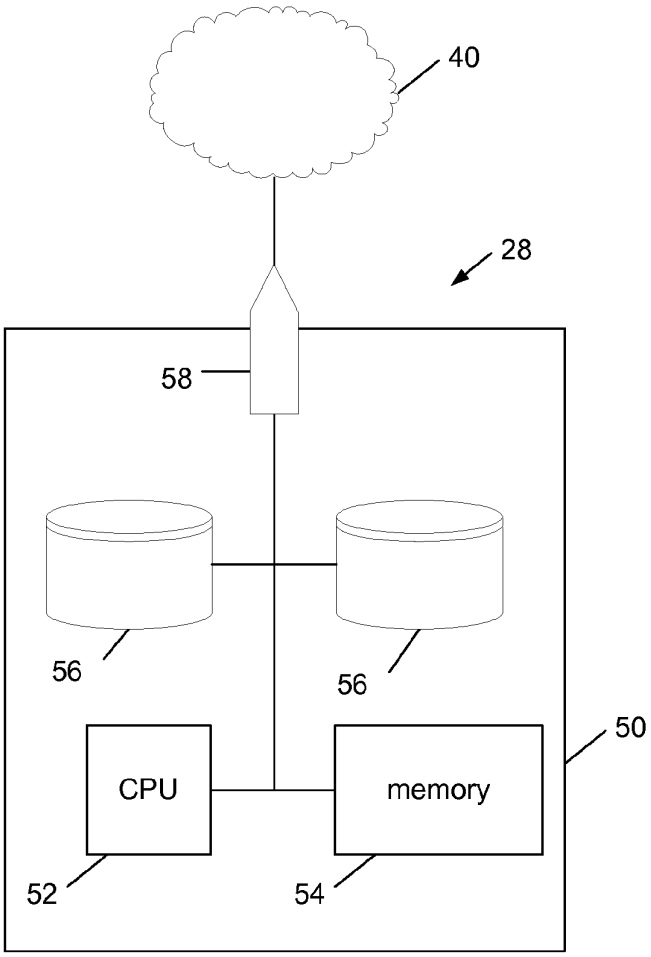


FIG. 1C

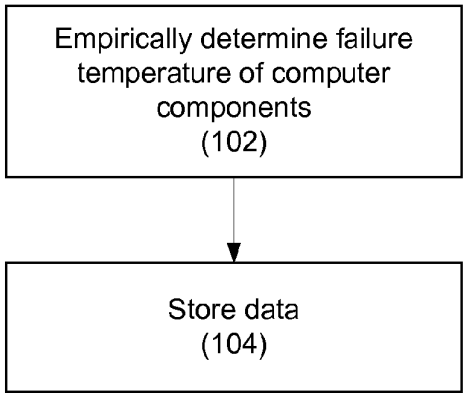


FIG. 3

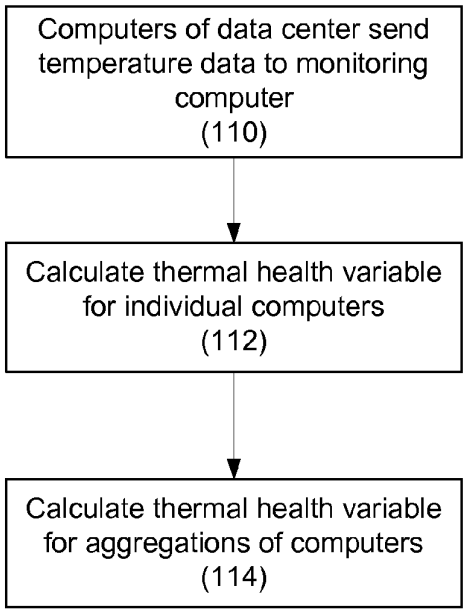


FIG. 4

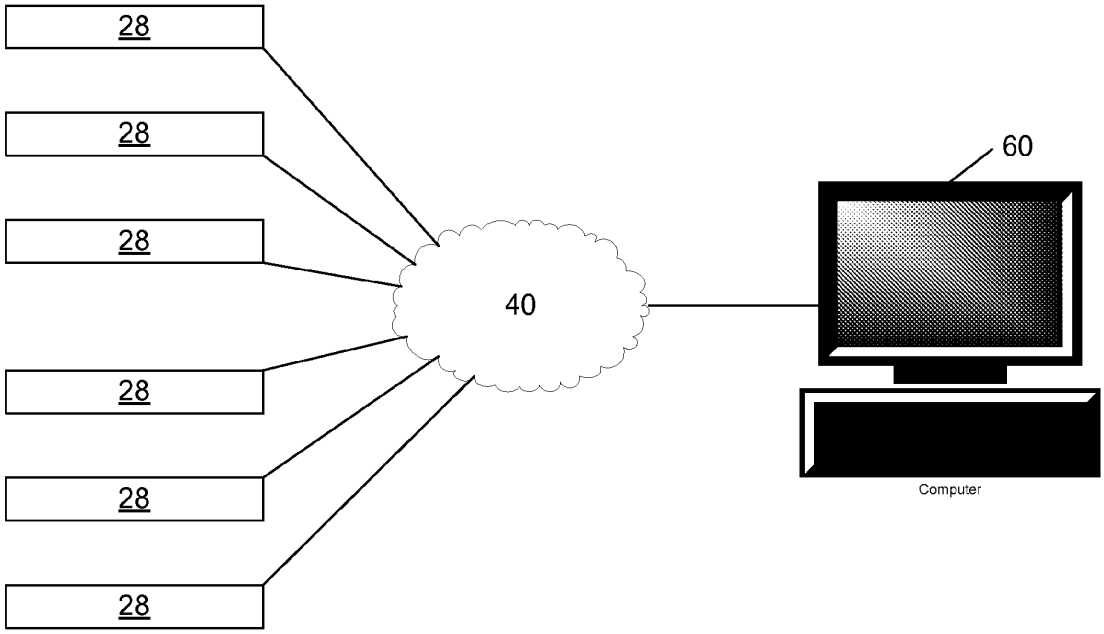


FIG. 2

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
30 December 2009 (30.12.2009)

PCT

(10) International Publication Number
WO 2009/158683 A3

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*G06F 15/00* (2006.01) *G06F 1/00* (2006.01)
*G06F 9/00* (2006.01)

(21) International Application Number:
PCT/US2009/048966

(22) International Filing Date:
26 June 2009 (26.06.2009)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
61/076,104 26 June 2008 (26.06.2008) US

(71) Applicant *(for all designated States except US)*: **EXAFLOP LLC** [US/US]; 1600 Amphitheatre Parkway, Mountain View, CA 94043 (US).

(72) Inventors; and

(75) Inventors/Applicants *(for US only)*: **STIVER, David, W.** [US/US]; 1255 Chapel Dr., Santa Clara, CA (US). **LEWIS, Shawn** [US/US]; 3527 18th St. Apt 8, San Francisco, CA 94110 (US). **IMWALLE, Gregory, P.** [US/US]; 355 North Wolfe Rd. Apt# 633, Sunnyvale, CA 94085 (US).

(74) Agent: **GOREN, David, J.**; Fish & Richardson P.C., P.O. Box 1022, Minneapolis, MN 55440-1022 (US).

(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,

*[Continued on next page]*

(54) Title: DATA CENTER THERMAL MONITORING

(57) Abstract: A measurement indicative of a temperature of a computer is received and a thermal health value for the computer is calculated based on the measurement.

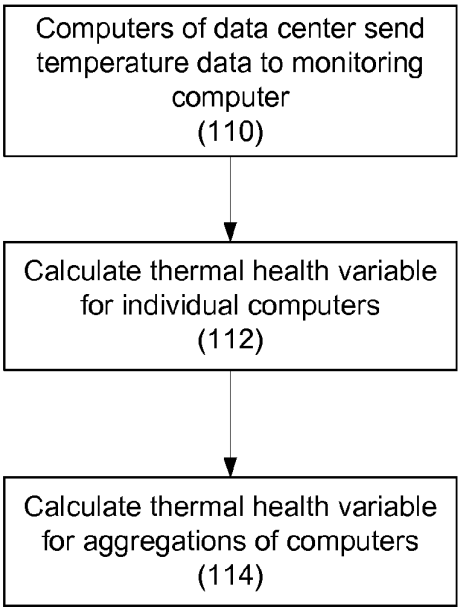


FIG. 4

WO 2009/158683 A3

ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, 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**:

— *with international search report (Art. 21(3))*

**(88) Date of publication of the international search report**:
29 April 2010

**INTERNATIONAL SEARCH REPORT**

International application No.
**PCT/US2009/048966**

**A. CLASSIFICATION OF SUBJECT MATTER**

***G06F 15/00(2006.01)i, G06F 9/00(2006.01)i, G06F 1/00(2006.01)i***

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

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)
G06F 15/00; G06F 1/00; G06F 1/32; G06F 11/00; H02H 3/05

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean utility models and applications for utility models since 1975.
Japanese utility models and applications for utility models since 1975.

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS(KIPO internal) & Keywords: temperature,performance,monitor

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|---|---|---|
| X | US 2008-0046766 A1 (CHIEU, TRIEU C. et al.) 21 February 2008<br>See abstract,figures 1-5 and 8-9, description [0025]-[0044] and claims | 1-9,11-13,18-26<br>,28-30 |
| A | US 7360122 B2 (SRIVASTAVA, RAHUL et al.) 15 April 2008<br>See abstract and claims | 1-34 |
| A | US 6338150 B1 (JOHNSON, KARL S. et al.) 08 January 2002<br>See abstract and claims | 1-34 |
| A | US 2005-0289376 A1 (HARTMAN, STEVEN PAUL et al.) 29 December 2005<br>See abstract and claims | 1-34 |

☐ 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 |
|---|---|
| 13 JANUARY 2010 (13.01.2010) | **14 JANUARY 2010 (14.01.2010)** |


Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea
Facsimile No. 82-42-472-7140

Authorized officer
LEE, Jong Ick
Telephone No. 82-42-481-8373

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2009/048966**

| Patent document cited in search report | Publication date | Patent family member(s) | Publication date |
|---|---|---|---|
| US 2008-0046766 A1 | 21.02.2008 | CN 101131659 A | 27.02.2008 |
| US 7360122 B2 | 15.04.2008 | US 2003-221002 A1 | 27.11.2003 |
| | | US 2008-215924 A1 | 04.09.2008 |
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| | | AU 747211 B2 | 09.05.2002 |
| | | CA 2296620 A1 | 28.01.1999 |
| | | EP 0994700 A4 | 18.10.2000 |
| | | JP 2001-510150 A | 31.07.2001 |
| | | US 2002-042896 A1 | 11.04.2002 |
| | | US 2004-153786 A1 | 05.08.2004 |
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| | | US 7552364 B2 | 23.06.2009 |
| | | WO 1999-003452 A1 | 28.01.1999 |
| US 2005-0289376 A1 | 29.12.2005 | US 2008-077282 A1 | 27.03.2008 |
| | | US 7353409 B2 | 01.04.2008 |
| | | US 7536571 B2 | 19.05.2009 |

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/493,107 | 06/26/2009 | David W. Stiver | 16113-1203001 | 8678 |

26222 7590 05/27/2011

FISH & RICHARSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

| EXAMINER | |
|---|---|
| LEE, BENJAMIN C | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2612 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 05/27/2011 | ELECTRONIC |

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

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

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

PATDOCTC@fr.com

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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

| | | |
|---|---|---|
| In re Application of | : | |
| STIVER, DAVID W., et al. | : | DECISION ON REQUEST TO |
| Application No. 12/493,107 | : | PARTICIPATE IN PATENT |
| Filed: June 26, 2009 | : | PROSECUTION HIGHWAY |
| Attorney Docket No. **16113-1203001** | : | PROGRAM AND PETITION |
| | : | TO MAKE SPECIAL UNDER |
| | : | 37 CFR 1.102(a) |

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

The request and petition are **GRANTED**.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

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

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

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JAN 23 2012
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| David W. Stiver, et al. | : | |
| Application No. 12/493,107 | : | DECISION GRANTING PETITION |
| Filed: June 26, 2009 | : | UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. 16113-1203001 | : | |

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 23, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on December 23, 2011 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 2612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

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Russ Weinzimmer
614 Nashua Street
Suite 53
Milford, NH 03055

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Howard Bullock :
Application No. 12/493,153 : DECISION ON PETITION
Filed: June 26, 2009 :
Attorney Docket No. BULLOCK-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The above application became abandoned for failure to timely respond to the Notice of Omitted Item(s) in a Nonprovisional Application (Notice) mailed February 9, 2011. A Notice of Abandonment was mailed on September 28, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of four (4) sheets of drawings containing Figures 1-9; (2) the petition fee of $930; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jellett Law, PS
Matthew Jellett, Esq.
910 Harris Ave
Suite A205
BELLINGHAM WA 98225

**MAILED**

APR 11 2011

**OFFICE OF PETITIONS**

In re Application of :

Glenn Hofford :
Application No. 12/493,160 : DECISION ON PETITION
Filed: June 26, 2009 : TO WITHDRAW
Attorney Docket No. **P208160PAT** : FROM RECORD
:

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

All attorneys/agents associated with Customer Number 62772 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 Glenn Hofford at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Glenn Hofford
5004 84th St NE
Marysville WA 98270

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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**FRED ZOLLINGER III**
**P.O. BOX 2368**
**NORTH CANTON, OH 44720**

**MAILED**

JUN 01 2011

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Sharon K. Lemon | : | |
| Application No. 12/493,175 | : | DECISION ON PETITION |
| Filed: June 27, 2009 | : | TO WITHDRAW |
| Attorney Docket No. SL003b0fUSa | : | 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 30, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Fred H. Zollinger III 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 Sharon K. Lemon 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: **Sharon K. Lemon**
**6685 Hillfield Street**
**North Canton, OH 44720**

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 |
|---|---|---|---|
| 12/493,175 | 06/27/2009 | Sharon K. Lemon | SL003b0fUSa |

**CONFIRMATION NO. 8843**

45069
FRED ZOLLINGER III
P.O. BOX 2368
NORTH CANTON, OH 44720

**POWER OF ATTORNEY NOTICE**

*OC000000047884133*

Date Mailed: 05/25/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/30/2011.

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

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

**JONATHAN M. HOLLANDER**
**PIXAR - HOLLANDER**
**660 4TH STREET**
**BOX #198**
**SAN FRANCISCO CA 94107**

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of :
Kass et al. :
Application No. 12/493,207 :
Filed: June 28, 2009 :
Attorney Docket No. P041510US :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed July 7, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on January 16, 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, in which the projected publication date is set to be determined pending completion of Security Review, accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 2624 for examination in due course.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication

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 |
|---|---|---|---|
| 12/493,207 | 06/28/2009 | Michael Kass | P041510US |

CONFIRMATION NO. 6919

67744
JONATHAN M. HOLLANDER
PIXAR - HOLLANDER
660 4th Street
Box #198
SAN FRANCISCO, CA 94107

**NONPUBLICATION RESCISSION LETTER**

Date Mailed: 08/27/2010

## 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 12/09/2010.

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

MCGLINCHEY STAFFORD, PLLC
ATTN: IP GROUP
301 MAIN STREET, 14TH FLOOR
BATON ROUGE, LA 70802

MAILED

JUL 11 2011

OFFICE OF PETITIONS

In re Application of :
Floyd E. Matthews :
Application No. 12/493,325 : DECISION ON PETITION
Filed: June 29, 2009 : TO WITHDRAW
Attorney Docket No. S-1020-A : 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 15, 2011.

The request is **APPROVED**.

The request was signed by R. Andrew Patty II on behalf of the practitioners of record associated with Customer Number 02071.

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

All future correspondence will be directed to inventor Floyd Matthews at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Floyd Matthews
1314 Field Avenue, Apt. B
Inglewood, CA 90302

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. |
|---|---|---|---|---|
| 12/493,371 | 06/29/2009 | Geon-hoon KIM | 1572.1571 | 9248 |

21171 7590 04/12/2012

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

| EXAMINER | |
|---|---|
| LACTAOEN, BILLY JAMES M | |
| ART UNIT | PAPER NUMBER |
| 2852 | |
| MAIL DATE | DELIVERY MODE |
| 04/12/2012 | 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
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Alexandria, VA 22313-1450
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

*In re* Application of :
Geon-Hoon Kim :
Appl. No.: 12/493,371 :
Filed: June 29, 2009 :
Attorney's Docket No.: 1572.1571 :
For: CONTROL METHOD OF HOST DEVICE, :
IMAGE FORMING SYSTEM, IMAGE :
FORMING APPARATUS AND HOST :
DEVICE EMPLOYING THE SAME :

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

This is a decision on the petition under 37 C.F.R. § 1.59(b), filed March 29, 2012, requesting that the paper titled "Amendment After Final" submitted on March 21, 2012, be expunged from the above-identified application.

The petition is DENIED.

Petitioner requests that the "Amendment After Final" filed March 21, 2012, be expunged from the record because it was unintentionally submitted in the instant application and does not reflect applicant's response to the Final Office Action of March 13, 2012. It is asserted that the papers titled "Amendment After Final" are proprietary information because they are confidential correspondence intended for the client.

Pursuant to M.P.E.P. § 724.05. III., "37 CFR 1.59(b) also covers the situation where an unintended heading has been placed on papers so that they are present in an incorrect application file. In such a situation, a petition should request that the papers be expunged ..... The grant of such a petition will be governed by the factors enumerated in paragraph II of this section in regard to the unintentional submission of information..."

Pursuant to M.P.E.P. § 724.05.II., information unintentionally submitted may be expunged from the file record provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the

Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The petition also does not satisfy conditions (B), (C) and (D) for a grantable petition to expunge information unintentionally submitted in the application under M.P.E.P. § 724.05. III.

For the above-stated reasons, the petition to expunge is denied. The IDS filed March 16, 2010 will remain in the file record.

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

Joseph Thomas, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

**Doc Code: PET.GREEN**
**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| Attorney Docket Number: O2-0615 | Application Number (if known): 12/493,420 | Filing date: 06/29/2009 |
|---|---|---|

First Named Inventor: Yung Lin LIN

Title: PORTABLE LIGHTING DEVICE AND METHOD THEREOF

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

| Signature /James P. Hao/ | Date 11/10/2010 |
|---|---|
| Name (Print/Typed) James P. Hao | Registration Number 36398 |

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

☐ *Total of _____ forms are submitted.

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

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

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. |
|---|---|---|---|---|
| 12/493,420 | 06/29/2009 | Yung Lin LIN | 0615 | 9324 |

71271 7590 12/16/2010

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

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 2821 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/16/2010 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

| | | |
|---|---|---|
| In re Application of | : | |
| LIN et al | : | DECISION ON PETITION |
| Application No. 12/493,420 | : | TO MAKE SPECIAL UNDER |
| Filed: June 29, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 0615 | : | PILOT PROGRAM |

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

The petition is **GRANTED**.

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

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

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/493,470 | 06/29/2009 | Kyle T. Watts | 597.001 | 9420 |

37761 7590 11/23/2010

ERICKSON, KERNELL, DERUSSEAU & KLEYPAS, LLC
800 W. 47TH STREET, SUITE 401
KANSAS CITY, MO 64112

| EXAMINER | |
|---|---|
| ROSENBAUM, MARK | |
| **ART UNIT** | **PAPER NUMBER** |
| 3725 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 11/23/2010 | 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

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

| | | |
|---|---|---|
| In re Application of | : | |
| LIN et al | : | DECISION ON PETITION |
| Application No. 12/493,420 | : | TO MAKE SPECIAL UNDER |
| Filed: June 29, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 0615 | : | PILOT PROGRAM |

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

The petition is **GRANTED**.

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

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

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 27 2010

OFFICE OF PETITIONS

**HAYNES AND BOONE, LLP**
**IP SECTION**
**2323 VICTORY AVENUE**
**SUITE 700**
**DALLAS TX 75219**

In re Application of :
Frank T. SHUM, et al :
Application No. 12/493,499 : DECISION ON PETITION
Filed: June 29, 2009 : TO WITHDRAW
Attorney Docket No. 70257.124 : 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 **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Norman Carte and all the attorneys of record, has been revoked by the assignee of the patent application on August 24, 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: SAN FRANCISCO OFFICE OF
NOVAK, DRUCE & QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

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 |
|---|---|---|---|
| 12/493,499 | 06/29/2009 | Frank T. Shum | 70257.124 |

CONFIRMATION NO. 9470

POWER OF ATTORNEY NOTICE

32605
Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

Date Mailed: 08/27/2010

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/24/2010.

- 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).

/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

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 12/493,499 | 06/29/2009 | Frank T. Shum | 70257.124 |

**CONFIRMATION NO. 9470**

65761
SAN FRANCISCO OFFICE OF
NOVAK, DRUCE & QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

**POA ACCEPTANCE LETTER**

*OC000000043246852*

Date Mailed: 08/27/2010

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/24/2010.

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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United States Patent and Trademark Office
P.O. Box 1450
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**Bridgelux, Inc. c/o Novak**
**Druce + Quigg LLP**
**1000 Lousiana Street,**
**Fifty- Third Floor**
**Houston TX 77002**

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application:
Frank T. Shum et al.
Application No. 12/493,499
Filed: June 29, 2009
Attorney Docket No. 20079.0004.DVUS01

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 29, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED.**

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

The fee deficiency payment of $874 will be charged to petitioner's deposit account,

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This file is being forwarded to Files Repository.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: Michael S. Garrabrants
Novak Druce & Quigg, LLP
555 Mission Street, 34th Street
San Francisco, CA 94105

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. |
|---|---|---|---|---|
| 12/493,564 | 06/29/2009 | MAKOTO ISHIGURO | J-09-0367 | 9574 |

7590 02/16/2011

Jackson Chen
NEC Corporation of America
6535 N. State Hwy. 161
Irving, TX 75039

| EXAMINER | |
|---|---|
| VANDERPUYE, KENNETH N | |
| ART UNIT | PAPER NUMBER |
| 2613 | |
| MAIL DATE | DELIVERY MODE |
| 02/16/2011 | PAPER |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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. |
|---|---|---|---|---|
| 12/493,605 | 06/29/2009 | Hidetoshi SADACHI | 344455US0DIV | 9643 |

7590 06/24/2011

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

| EXAMINER | |
|---|---|
| POLANSKY, GREGG | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1629 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 06/24/2011 | 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
700 STATE STREET
RACINE WI 53404

MAILED
OCT 21 2011
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Georgison et al. | : | |
| Application No.: 12/493827 | : | DECISION ON |
| Filing or 371(c) Date: 06/29/2009 | : | PETITION |
| Attorney Docket Number: 19139 (1016.162) | : | |

This is a decision in response to the Petition for Revival of Application Abandoned Unintentionally Under 37 CFR 1.137(b), filed September 22, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed March 7, 2011. The Notice set a one (1) month or 30 day period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 8, 2011. A Notice of Abandonment was mailed September 13, 2011.

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

This application is being referred to Technology Center Art Unit 3641 for processing of the Supplemental Amendment filed with the petition in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 28 2011

OFFICE OF PETITIONS

COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, NW
WASHINGTON, DC 20001

| | | |
|---|---|---|
| In re Application of | : | |
| Cheong-Wei Chu | : | |
| Application No. 12/493,872 | : | DECISION ON PETITION |
| Filed: June 29, 2009 | : | TO WITHDRAW |
| Attorney Docket No. BOBJ-089/01US 304661-2499 | : | FROM RECORD |
| | : | |

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

The request is **APPROVED**.

The request was signed by William S. Galliani on behalf of all the practitioners of record and the practitioners associated with Customer Number 23419.

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

All future correspondence will be directed to assignee Business Objects Software LTD at the below address.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: BUSINESS OBJECTS SOFTWARE LTD.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON, DC 20001

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 |
|---|---|---|---|
| 12/493,872 | 06/29/2009 | Cheong-Wei Chu | BOBJ-089/01US<br>304661-2499 |

**CONFIRMATION NO. 1166**

23419
COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, DC 20001

**POWER OF ATTORNEY NOTICE**

*OC000000046748063*

Date Mailed: 03/28/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2011.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 12/493,872 | 06/29/2009 | Cheong-Wei Chu | BOBJ-089/01US<br>304661-2499 |

**CONFIRMATION NO. 1166**

Business Objects Software Ltd.
777 6th Street NW, Suite 1100, Attn: B. Galliani
Washington, DC 20001

**POA ACCEPTANCE LETTER**

*OC00000046748070*

Date Mailed: 03/28/2011

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2011.

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

/idingle/

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

# PATENT COOPERATION TREATY

DOCKETED
1/31/11
4/29/11 Response Due

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
CONLEY ROSE, P.C.

5601 GRANITE PARKWAY, SUITE 750 PLANO TX 75024
USA

# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

**(PCT Rule 43bis.1)**

| | |
|---|---|
| Date of mailing *(day/month/year)* | **24 JANUARY 2011 (24.01.2011)** |
| Applicant's or agent's file reference<br>4236-01701 | **FOR FURTHER ACTION**<br>See paragraph 2 below |

| International application No. | International filing date *(day/month/year)* | Priority date *(day/month/year)* |
|---|---|---|
| **PCT/US2010/040310** | **29 JUNE 2010 (29.06.2010)** | 29 JUNE 2009 (29.06.2009) |

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

***F28F 1/10(2006.01)i, F28F 1/12(2006.01)i, F28D 1/04(2006.01)i, F28F 1/32(2006.01)i***

Applicant

**TRANE INTERNATIONAL INC. et al**

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<br>Government Complex-Daejeon, 139<br>Seonsa-ro, Seo-gu, Daejeon 302<br>-701, Republic of Korea<br>Facsimile No. 82-42-472-7140 | 24 JANUARY 2011 (24.01.2011) | PARK, Hwan Su<br>Telephone No.82-42-481-5418 |

**WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY**

International application No.
**PCT/US2010/040310**

**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/US2010/040310**

**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 | 1-20 | YES |
| | Claims | NONE | NO |
| Inventive step (IS) | Claims | 1-20 | YES |
| | Claims | NONE | NO |
| Industrial applicability (IA) | Claims | 1-20 | YES |
| | Claims | NONE | NO |

2. Citations and explanations :

Reference is made to the following documents:

D1: JP 2003-021485 A (TOSHIBA KYARIA KK) 24 January 2003
D2: JP 2007-162961 A (DENSO CORP) 28 June 2007
D3: US 6644389 B1 (KANG; HIE-CHAN et al.) 11 November 2003
D4: JP 2003-329334 A (TOYO ENG WORKS LTD) 19 November 2003

**1. Novelty and Inventive Step**

1.1 Claims 1-11
The subject matter of claim 1 differs from these prior art documents in having the leading holes, the secondary holes & the trailing holes. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.
Claims 2-11 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 12-17
The subject matter of claim 12 differs from these prior art documents in having the leading holes, the secondary holes, the trailing holes & the additional holes. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 12 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.
Claims 13-17 are dependent on claim 12 and therefore meet the requirements of PCT Article 33(2) and (3).

1.3 Claims 18-20
The subject matter of claim 18 differs from these prior art documents in having the plurality of holes centered along the leading axis, the secondary axis & the tertiary axis. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 18 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.
Claims 19 & 20 are dependent on claim 18 and therefore meet the requirements of PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-20 are industrially applicable under PCT Article 33(4).

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

**(PCT Article 18 and Rules 43 and 44)**

| Applicant's or agent's file reference | **FOR FURTHER ACTION** | see Form PCT/ISA/220 as well as, where applicable, item 5 below. |
|---|---|---|
| 4236-01701 | | |
| International application No. | International filing date *(day/month/year)* | (Earliest) Priority Date *(day/month/year)* |
| **PCT/US2010/040310** | **29 JUNE 2010 (29.06.2010)** | 29 JUNE 2009 (29.06.2009) |

Applicant

**TRANE INTERNATIONAL INC. et al**

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. 3
      ☒ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention
   b. ☐ none of the figure is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.
**PCT/US2010/040310**

## A. CLASSIFICATION OF SUBJECT MATTER

***F28F 1/10(2006.01)i, F28F 1/12(2006.01)i, F28D 1/04(2006.01)i, F28F 1/32(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)

F28F 1/10; F28D 1/04; F25B 39/02; F25B 47/02; F28F 1/32; F25B 39/00; F28F 13/02

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: tube, fin & hole

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|---|---|---|
| A | JP 2003-021485 A (TOSHIBA KYARIA K.K.) 24 January 2003<br>See claims 1-5 and figures 1-2. | 1-20 |
| A | JP 2007-162961 A (DENSO CORP.) 28 June 2007<br>See claims 1-4 and figure 2. | 1-20 |
| A | US 6644389 B1 (KANG; HIE-CHAN et al.) 11 November 2003<br>See claims 1-14 and figure 1A. | 1-20 |
| A | JP 2003-329334 A (TOYO ENG. WORKS LTD.) 19 November 2003<br>See see paragraph 11 - paragraph 19 ; figure 1. | 1-20 |

☐ 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 |
|---|---|
| 24 JANUARY 2011 (24.01.2011) | **24 JANUARY 2011 (24.01.2011)** |

| Name and mailing address of the ISA/KR | Authorized officer |
|---|---|
| Korean Intellectual Property Office<br>Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea<br>Facsimile No. 82-42-472-7140 | PARK, Hwan Su<br>Telephone No. 82-42-481-5418 |

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.
**PCT/US2010/040310**

| Patent document cited in search report | Publication date | Patent family member(s) | Publication date |
|---|---|---|---|
| JP 2003-021485 A | 24.01.2003 | None | |
| JP 2007-162961 A | 28.06.2007 | None | |
| US 6644389 B1 | 11.11.2003 | AT 294368 T | 15.05.2005 |
| | | AU 1999-31726 A1 | 28.09.2000 |
| | | CN 1133062 C0 | 31.12.2003 |
| | | CN 1354829 A0 | 19.06.2002 |
| | | DE 69925039 D1 | 02.06.2005 |
| | | EP 1161649 A1 | 12.12.2001 |
| | | EP 1161649 B1 | 27.04.2005 |
| | | KR 10-0503407 B1 | 25.07.2005 |
| | | KR 1020000059877A | 16.10.2000 |
| | | WO 00/53990 A1 | 14.09.2000 |
| JP 2003-329334 A | 19.11.2003 | None | |

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

| | | | |
|---|---|---|---|
| Application No: | 12/493,890 | Filing date: | 29JUN2009 |
| First Named Inventor: | Stephen S. Hancock | | |
| Title of the Invention: | Plate Fin With Hybrid Hole Pattern | | |

**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/US2010/040310

**The international filing date of the corresponding PCT application(s) is/are:** 29JUN2010

**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.: | 12/493,890 |
| First Named Inventor: | Stephen S. Hancock |

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 18FEB2011

**(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 18FEB2011

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 1-20 | 1-20 | The claims are identical. |
| | | |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature | Date 2/18/2011 |
| Name (Print/Typed) J. Robert Brown Jr. | Registration Number 45,438 |

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. |
|---|---|---|---|---|
| 12/493,890 | 06/29/2009 | Stephen S. Hancock | 4236-01700 | 1190 |

30652 7590 02/22/2011

CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 3744 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 02/22/2011 | PAPER |

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO TX 75024

| | | |
|---|---|---|
| In re Application of | : | |
| HANCOCK, STEPHEN S. | : | DECISION ON REQUEST TO |
| Application No. 12/493,890 | : | PARTICIPATE IN PATENT |
| Filed: June 29, 2009 | : | PCT/PROSECUTION HIGHWAY |
| Attorney Docket No. 4236-01700 | : | PROGRAM AND PETITION |
| Title: PLATE FIN WITH HYBRID HOLE PATTERN | : | 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 Feb. 18, 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 Cheryl Tyler, the SPE of Art Unit 3744 at 571-272-4834 for Class 165/181 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
FEB 24 2012
OFFICE OF PETITIONS

In re Application of :
Douglas M. Williams :
Application No. 12/493,891 : DECISION DISMISSING PETITION
Filed: 06/29/2009 :
Attorney Docket No. 113377-004CON :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 17, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional application set forth in the concurrently filed amendment to the specification.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

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

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

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

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

The present petition lacks items (1) above.

It is noted that the petitioners filed a petition under 37 CFR 1.78(a)(3) in prior-filed Application No. 11/394,555 on February 17, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications, which was dismissed. A decision granting the petition under 37 CFR 1.78(a)(3) in Application No. 11/394,555 is a pre-requisite for a decision on any renewed petition filed in the present Application No. 12/493,891.

Upon the receiving a decision granting a renewed petition under 37 CFR 1.78(a)(3) in Application No. 11/394,555, petitioners may file a renewed petition under 37 CFR 1.78(a)(3) in this application. As petitioners submitted an amendment to add the benefit claim and paid the petition fee, no further amendment or petition fee is required upon the filing of a renewed petition in this application.

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

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

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

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

Correspondence may also be submitted via EFS-Web.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of :
Douglas M. Williams :
Application No. 12/493,891 : DECISION GRANTING PETITION
Filed: 06/29/2009 :
Attorney Docket No. 113377-004CON :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 13, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications.

The renewed petition is **GRANTED**.

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

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

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

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

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

***The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim benefit of 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 benefit claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2618 for consideration by the Examiner of petitioners' entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed nonprovisional applications.

/Christina Tartera 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
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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 |
|---|---|---|---|---|---|---|
| 12/493,891 | 06/29/2009 | 2618 | 462 | 113377-004CON | 13 | 3 |

**CONFIRMATION NO. 1192**

**CORRECTED FILING RECEIPT**

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

*OC000000053133149*

Date Mailed: 03/15/2012

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)**

Douglas M. Williams, Del Mar, CA;

**Assignment For Published Patent Application**

RF CHECK, INC., Del Mar, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 27189

**Domestic Priority data as claimed by applicant**

This application is a CON of 11/394,555 03/31/2006 PAT 7570922
which is a CIP of 11/100,947 04/06/2005 ABN
which is a CIP of 10/215,495 08/08/2002

**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:** 07/23/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/493,891**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****

**Title**

System and Method For Automated Radio Frequency Safety and Regulatory Compliance At Wireless Transmission Sites

**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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| | |
|---|---|
| **Doc Code: PET.AUTO**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12493909 |
| Filing Date | 29-Jun-2009 |
| First Named Inventor | Steven Menear |
| Art Unit | 3684 |
| Examiner Name | BENJAMIN FIELDS |
| Attorney Docket Number | GLDC-0003 |
| Title | System and Method for Providing Online Education |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 30184

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 | Mr. Steve Menear |
| Address | c/o GOLD CENTER P. O. Box 680982 |
| City | Marietta |
| State | GA |
| Postal Code | 30068-0017 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /Barry E. Kaplan/ |
| Name | Barry E. Kaplan |
| Registration Number | 38934 |

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 1, 2012

In re Application of :

Steven Menear

Application No : 12493909

Filed : 29-Jun-2009

Attorney Docket No : GLDC-0003

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 March 1, 2012

The request is **APPROVED.**

The request was signed by Barry E. Kaplan (registration no. 38934 ) on behalf of all attorneys/agents associated with Customer Number 30184 . All attorneys/agents associated with Cusotmer Number 30184 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 | Mr. Steve Menear |
| Name2 | |
| Address 1 | c/o GOLD CENTER |
| Address 2 | P. O. Box 680982 |
| City | Marietta |
| State | GA |
| Postal Code | 30068-0017 |
| Country | US |

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER, LLP
3000 K STREET NW
SUITE 500
WASHINGTON, DC 20007

**MAILED**

OCT 22 2010

OFFICE OF PETITIONS

In re Application of :
Hyungrak Kim, et al. :
Application No. 12/493,946 : DECISION GRANTING PETITION
Filed: June 29, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 040897-0240 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on September 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 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 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAEL RIES
318 PARKER PLACE
OSWEGO, IL 60543

MAILED
MAR 20 2012
OFFICE OF PETITIONS

In re Application of
Anthony Brown
Application No. 12/493,952
Filed: June 29, 2009
Attorney Docket No. AB609CIP

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 March 19, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on December 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]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Anthony Brown 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. Brown desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. All future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

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.

[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.*

This application is being referred to Technology Center AU 3742 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

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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**MICHAEL RIES**
**318 PARKER PLACE**
**OSWEGO IL 60543**

MAILED
APR 02 2012
OFFICE OF PETITIONS

In re Application of :
Anthony Brown :
Application No. 12/493,952 : ON PETITION
Filed: June 29, 2009 :
Attorney Docket No. AB609CIP :

This is a corrected decision of the petition decision mailed March 20, 2012 withdrawing the application from issue under 37 CFR 1.313. This is also a decision on the Power of Attorney document filed by inventor Anthony Brown on March 21, 2012.

The petition to withdraw the application from issue under 37 CFR 1.313 is **DISMISSED**. The Power of Attorney and revocation of existing Power of Attorney by Anthony Brown is **NOT ACCEPTED**.

Office records have been carefully reviewed pursuant to 37 CFR 3.54 in order to determine the party that has the authority to act in this application. Two parties possess an interest in the above cited application according to USPTO records. B2M Asset Management LLC (B2M) has a majority interest and sole inventor Anthony Brown (Brown) has a minority interest as a member of B2M. Brown assigned his entire right, title and interest in this application to B2M, as evident in the assignment recorded in the USPTO at reel 023630, frame 0240. Although Brown is recognized as the inventor in this application, B2M has the authority to take action in the application as the assignee of the entire right, title and interest. Brown does not have authority to take action in this application, and he is not permitted to hinder the actions of the assignee, B2M, in this application. Brown may endeavor to influence the actions of the assignee outside of the USPTO but may not do so by taking action in this application. The assignee has been prosecuting this application since July 29, 2010 under 37 CFR 3.71 and the associated statement under 37 CFR 3.73(b). All papers submitted by Brown in this application after July 29, 2010 will remain in the publically available file in order to maintain a complete record of the proceedings before the Office, but they are not entered in the official record such that they will have legal effect.

On March 20, 2012 the Office withdrew the above cited application from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination) submitted by Brown.

That was in error since Brown may not take such action in this case. That decision is hereby vacated.

Furthermore, Brown may not revoke power of attorney previously granted by the assignee, as attempted in the submission of March 12, 2012. Power of Attorney remains with Customer Number 44643 as set forth in the Power of Attorney document filed on July 29, 2010.

This decision is **not** a determination of ownership. The USPTO has no authority to decide ownership issues. See Cedars-Sinai Medical Center v. Watkins, 11F.3d 1573, 1581 n.10, 29 USPQ 2d 1188, 1194 n.10 (Fed. Cir. 1993), *cert. denied*, 114 S. Ct. (1994). Rather, state law governs contractual obligations and transfers of property rights, including those relating to patents. See Regents of the University of New Mexico v. Knight, 66 USPQ2d 1001, 1008 (Fed. Cir. 2003). The USPTO cannot settle disputes as to title as a judicial tribunal is the appropriate forum to resolve such controversy. See Jim Arnold Corp. v. Hydrotech Sys., Inc., 109 F.3d 1567, 1572, 42 USPQ2d 1119, 1123 (Fed. Cir. 1997)("the question of who owns the patent right and on what terms typically is a question exclusively for state courts"); Roach v. Crouch, 24 N.W. 2d 400, 33 USPQ2d 1361 (Iowa 1994)(patent ownership issue properly triable in state court); In re Haines, 1900 C.D. 102, 103 (Comm'r Pat. 1900)(same).

This decision is a determination as to which party has the authority to take action in this application pursuant to 37 CFR 3.54.

Although this application is not withdrawn from issue, processing of the application for issue as a patent is suspended. Due to the numerous versions of the specification, abstract, drawings, and claims on record in this application, the record is not clear as to which documents should be published in the patent. Therefore, the assignee and only the assignee must submit new copies of the specification, abstract, drawings, and claims to be printed in the patent. This will help ensure that the Office publishes the correct patent. After the Office confirms the patentability of these documents, processing of the application for issue will resume.

Also, **dual correspondence and dual prosecution is not permitted. Dual correspondence will not be undertaken by the USPTO.** A courtesy copy of this decision is being mailed to the address noted on the Power of Attorney document filed by inventor Anthony Brown on March 21, 2012 in order to ensure that both parties are notified of this decision. However, until otherwise properly 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) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: ANTHONY BROWN
4473 23RD PARKWAY # 101
TEMPLE HILLS, MD 20748

**BARNES & THORNBURG LLP**

600 One Summit Square
Fort Wayne, Indiana 46802
(260) 423-9440

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| Customer No.: | 23641 |
| Application No.: | 12/493953 |
| Confirmation No.: | 1310 |
| Filing Date: | June 29, 2009 |
| Attorney Docket No.: | 47984/83397 |
| First Named Inventor: | Jay Allen Hammond |
| Group Art Unit: | 3744 |
| Examiner Name: | Cheryl Jackson Tyler |
| Title: | MULTIPLE AIRFLOW PATTERN WATER SOURCE GEOTHERMAL HEAT PUMP UNIT |

I hereby certify that this correspondence is being electronically filed with the Commissioner for Patents in accordance with 37 CFR §1.6 (a)(4)

on February 9, 2011

/Gregory S. Cooper/
Gregory S. Cooper

**PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102 AND MPEP 708.02(D)(VI)**

Applicant hereby petitions to make special the above-captioned application based upon the invention materially contributing to the more efficient utilization and conservation of energy resources. The application disclosure is clear on its face that the claimed invention materially contributes to more efficient utilization and conservation of energy resources.

Respectfully submitted,

Reva Brown, President
Assignee: Geothermal Design Associates, Inc.

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. |
|---|---|---|---|---|
| 12/493,953 | 06/29/2009 | Jay Allen Hammond | 47984/83397 | 1310 |

23641 7590 02/23/2011

BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE, IN 46802

| EXAMINER | |
|---|---|
| TYLER, CHERYL JACKSON | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3744 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 02/23/2011 | 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):

greg.cooper@btlaw.com
rhonda.bailey-reed@btlaw.com
mwever@btlaw.com

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BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE IN 46802

| | | |
|---|---|---|
| In re Application of | : | |
| HAMMOND, JAY ALLEN | : | DECISION ON PETITION |
| Application No. 12/493,953 | : | TO MAKE SPECIAL UNDER |
| Filed: June 29, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 47984-83397 | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed Feb. 9, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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, #5 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. In the petition, petitioner states that the claims of the application are directed to the more efficient utilization and conservation of energy. This is not persuasive because it is not clear the claimed water source 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 5, petitioner should note that a statement has not been provided that states that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner as required by the Notice. Accordingly, the petition cannot be granted without such a statement.

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 3753 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/493,953 | 06/29/2009 | Jay Allen Hammond | 47984/83397 | 1310 |

23641 7590 03/24/2011

BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE, IN 46802

| EXAMINER | |
|---|---|
| TYLER, CHERYL JACKSON | |
| ART UNIT | PAPER NUMBER |
| 3744 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 03/24/2011 | 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):

greg.cooper@btlaw.com
rhonda.bailey-reed@btlaw.com
mwever@btlaw.com

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BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE IN 46802

| | | |
|---|---|---|
| In re Application of | : | |
| HAMMOND, JAY ALLEN | : | DECISION ON PETITION |
| Application No. 12/493,953 | : | TO MAKE SPECIAL UNDER |
| Filed: June 29, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 47984-83397 | : | PILOT PROGRAM |

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

The petition is granted.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

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

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

This application will be forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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**OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.**
**1940 DUKE STREET**
**ALEXANDRIA VA 22314**

MAILED

AUG 23 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Qin-Yi Tong, et al. | : | |
| Application No. 12/493,957 | : | DECISION GRANTING PETITION |
| Filed: June 29, 2009 | : | UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. 344478US20CONT | : | |

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 20, 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 July 14, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

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

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 amendment.

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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**LEVINE BAGADE HAN LLP**
**2400 GENG ROAD, SUITE 120**
**PALO ALTO CA 94303**

MAILED

SEP 13 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Jonathan Heim, et al. | : | DECISION ON PETITION |
| Application No. 12/494,071 | : | TO WITHDRAW |
| Filed: June 29, 2009 | : | FROM RECORD |
| Attorney Docket No. **ARMUNA00902** | : | |

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 24, 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

cc: **Bayer MaterialScience AG**
**Bayer MaterialScience LLC**
**Patents and Licensing**
**100 Bayer Road-Bldg. 8**
**Pittsburgh, PA 15205**

**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: PA4967US | Application Number (if known): 12/494,170 | Filing date: June 29, 2009 |
|---|---|---|
| First Named Inventor: Daniel Fleischer | | |
| Title: Siliceous Particles | | |

**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 /K. Brian Bathurst/ | Date November 24, 2010 |
|---|---|
| Name (Print/Typed) K. Brian Bathurst | Registration Number 51442 |

***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.*

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.

# Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

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

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

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

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

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

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

| | |
|---|---|
| **APPLICANT:** | Daniel Fleischer et al |
| **APPLICATION NO.:** | 12/494,170 |
| **FILING DATE:** | June 29, 2009 |
| **TITLE:** | Siliceous Particles |
| **EXAMINER:** | Michael G. Wityshyn |
| **ART UNIT:** | 1651 |
| **CONFIRMATION NO.:** | 1732 |
| **ATTY. DKT. NO.:** | PA4967US |

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## STATEMENT OF SPECIAL STATUS
### IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

The Applicants respectfully request the Examiner advance the present application out of turn for examination (accelerated examination) through the submission of the present petition. This petition is presented in accordance with 37 C.F.R. § 1.102(c)(2)(ii) and the conditions set forth for such a petition as detailed in MPEP § 708.02(VI) and 74 Fed. Reg. 234 (8 Dec. 2009), pp. 64666-64669.

### I. Requirements and Conditions

1. The present application is a non-reissue, non-provisional utility application filed under 35 U.S.C. § 111(a). In addition, the present application was filed on June 29, 2009, which is prior to December 8, 2009.

2. A preliminary amendment is submitted under 37 C.F.R. § 1.121 concurrent with the present *Petition to Make Special*. Upon entry of the preliminary amendment, the present application will have no more than twenty claims, including no more than three independent claims.

3. The present application is classified under USPC 435/257.100.

4. The present petition is being filed electronically before December 8, 2010.

5. Based on a review of the status of the application as reflected in the Patent Application Information Retrieval (PAIR) system, the Applicants believe that no first action has issued as of the date of the present petition.

## II. Eligibility under MPEP § 708.02(VI)

MPEP § 708.02(VI) notes that "[t]he U.S. Patent and Trademark Office will, on petition, accord "special" status to all patent applications for inventions which materially contribute to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources." MPEP § 708.02(VI).

Among other things, the independent claims of the present application recite lipid biomass suitable for production of biofuel. As noted in the cross-reference to related applications, the present application is related to U.S. patent application number 12/485,027, filed June 16, 2009, titled "Systems and Methods for Extracting Lipids from Wet Algal Biomass," the disclosure of which is incorporated by reference. This application further supports Applicants' independent claims.

The Applicants therefore believe that the present application materially contributes to both of the above categories, and is thus eligible for special status.

## III. Conclusion

The Applicants believe that this Petition to Make Special has met all requirements set forth by 37 C.F.R. § 1.102(c)(2)(ii), MPEP § 708.02(VI), and 74 Fed. Reg. 234 (8 Dec. 2009), pp. 64666-64669. The Applicants therefore respectfully request the petition be granted.

Respectfully submitted,
Daniel Fleischer et al

**November 24, 2010**

By: /K. Brian Bathurst/
K. Brian Bathurst, Reg. No. 51,442
**Carr & Ferrell *LLP***
120 Constitution Drive
Menlo Park, California 94025
Phone (650) 812-3486
Fax (650) 812-3444

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. |
|---|---|---|---|---|
| 12/494,170 | 06/29/2009 | Daniel Fleischer | PA4967US | 1732 |

22830 7590 12/07/2010

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK, CA 94025

| EXAMINER | |
|---|---|
| WITYSHYN, MICHAEL G | |
| ART UNIT | PAPER NUMBER |
| 1651 | |
| MAIL DATE | DELIVERY MODE |
| 12/07/2010 | PAPER |

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

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

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DEC 0 7 2010

CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

| | | |
|---|---|---|
| In re Application of | : | |
| FLEISCHER, Daniel *et al.* | : | DECISION ON PETITION |
| Application No. 12/494170 | : | TO MAKE SPECIAL UNDER |
| Filed: June 29, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. PA4967US | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed November 24, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

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MAILED

APR 11 2011

OFFICE OF PETITIONS

**COOLEY LLP**
**ATTN: PATENT GROUP**
**SUITE 1100**
**777 - 6TH STREET, NW**
**WASHINGTON, DC 20001**

| | | |
|---|---|---|
| In re Application of | : | |
| KADAYAM, Sundar et al. | : | |
| Application No. 12/494,181 | : | DECISION ON PETITION |
| Filed: June 29, 2009 | : | TO WITHDRAW |
| Attorney Docket No. **BOBJ-181/04US 304661-2500** | : | FROM RECORD |
| | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to attorneys/agents has been previously filed on February 03, 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 Tredelle at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.**
**SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.**
**BUSINESS OBJECTS DATA INTEGRATION, INC.**
**777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI**
**WASHINGTON DC 20001**

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

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Marnix Van Gurp, et al :
Application No. 12/494,209 :
Filed: June 29, 2009 :
Attorney Docket No. 4662-1207 :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(b), filed August 20, 2010.

The petition is **GRANTED.**

Petitioner has shown that the legal representatives for deceased inventor have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing representatives at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1782 for appropriate action, including notifying applicant of the new status of this application.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MS. SIU KUEN YVONNE CHAN
MR. THEO JASON MARKWARDT
26 MEADOWBANK AVENUE
CHIRNSIDE PARK VIC 3115
AUSTRALIA

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Marnix Van Gurp and Jens Frank Markwardt :
Application No.: 12/494,209 :
Filed: June 29, 2009 :
For: POWER SUPPLY ENCLOSURE :

LETTER

Dear Ms Cahn and Mr. Markwardt:

You are named as the legal representatives of 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 legal representative of the joint inventor.

As a named representative of the 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: NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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**TOWNSEND AND TOWNSEND AND CREW, LLP**
**TWO EMBARCADERO CENTER**
**EIGHTH FLOOR**
**SAN FRANCISCO CA 94111-3834**

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of :
Louise Wannier et al. :
Application No. 12/494242 : DECISION ON PETITION
Filed: June 29, 2009 : TO WITHDRAW
Attorney Docket No. **026262-001110US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 16, 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 to 37 CFR 10.40.

The request was signed by Philip H. Albert on behalf of all attorneys of record who are associated with Customer Number 20350.

All attorneys/agents associated with Customer Number 20350 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 assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed November 23, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: MyShape, Inc.
210 W. Lexington Drive
Glendale, CA 91203

UNITED STATES PATENT AND TRADEMARK OFFICE

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**KILPATRICK TOWNSEND & STOCKTON LLP**
**TWO EMBARCADERO CENTER, EIGHTH FLOOR**
**SAN FRANCISCO, CA 94111-3834**

MAILED

JAN 27 2011

OFFICE OF PETITIONS

In re Application of :
**Louise J. WANNIER**, et *al.* :
Application No. 12/494,244 : DECISION ON PETITION TO
Filed: June 29, 2009 : WITHDRAW FROM RECORD
Attorney Docket No. **026262-001210US** :

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 16, 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 Philip H. Albert on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

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

cc: **MYSHAPE, INC.**
**210 W. LEXINGTON DRIVE**
**GLENDALE, CA 91203**

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P.O. Box 1450
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**HERBERT L. ALLEN**
**ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.**
**255 SOUTH ORANGE AVENUE, SUITE 1401**
**P. O. BOX 3791**
**ORLANDO FL 32802-3791**

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
Reichart et al. :
Application No. 12/494,249 : DECISION ON PETITION
Filed: June 29, 2009 :
Attorney Docket No. 0115297 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 18, 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, May 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 13, 2010. A Notice of Abandonment was mailed January 19, 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 $810.00, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 1725 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Christopher John Reichart
8525 NW 45 ST.
Coral Springs, Florida 33065

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/494,265 | 06/29/2009 | KUO-FENG CHIANG | US20734 | 1896 |

7590 02/18/2011

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

| EXAMINER | |
|---|---|
| CARIASO, ALAN B | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2885 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 02/18/2011 | ELECTRONIC |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

**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
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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: | 12/494268 | Filing date: | 06/30/2009 |
| First Named Inventor: | Geoffrey Ryding | | |
| Title of the Invention: | Ion Implantation Apparatus and a Method for Fluid Cooling | | |

**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/US10/39191

**The international filing date of the corresponding PCT application(s) is/are:** 06/18/2010

**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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/494,268 |
| First Named Inventor: | Geoffrey Ryding |

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 12/20/2010

**(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 12/20/2010

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 1-17 | 7-13 | The patentable claims in the PCT application exactly match |
| | | the claims with the same claim numbers of the corresponding |
| | | US application |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /Heather Mueller/ | Date February 15, 2011 |
| Name (Print/Typed) Heather Mueller | Registration Number 39033 |

# 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. |
|---|---|---|---|---|
| 12/494,268 | 06/30/2009 | Geoffrey Ryding | TWINP017/TCA-023x | 1900 |

67362 7590 03/23/2011

THE MUELLER LAW OFFICE, P.C.
12707 High Bluff Drive, Suite 200
San Diego, CA 92130

| EXAMINER | |
|---|---|
| WELLS, NIKITA | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2881 | |

| 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):

heather@themuellerlawoffice.com
contact@themuellerlawoffice.com
docket@themuellerlawoffice.com

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**THE MUELLER LAW OFFICE, P.C.**
**12707 High Bluff Drive, Suite 200**
**San Diego CA 92130**

**In re Application of**
**RYDING et al.**
**Application No.: 12/494,268**
**Filed: 30 June 2009**
**Attorney Docket No.: TWINP017/TCA-023x**
**For: ION IMPLANTATION APPARATUS AND A METHOD FOR FLUID COOLING**

**: 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 15 February 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

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

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

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

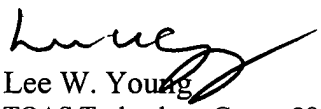
Requirements (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Claims 1-6 and 14-17 were not held to have novelty, inventive step, and industrial applicability in the PCT application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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



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

Attorney Docket No. TwinP017/TCA-023x

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

In re patent application of: Ryding | Confirmation No.: 1900

Serial No.: 12/494,268 | Group Art Unit: 2881

Filed: June 30, 2009 | Examiner: Nikita Wells

For: ION IMPLANTATION APPARATUS AND A METHOD FOR FLUID COOLING

Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

## PETITION TO MAKE SPECIAL UNDER PCT – PATENT PROSECUTION HIGHWAY

Dear Sir:

This communication is in response to the "Decision On Request To Participate In The Patent Prosecution Highway" mailed on March 23, 2011. Applicant has hereby submitted a preliminary amendment such that the claims in the U.S. application correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application, per condition (4) of the Decision letter. Applicant respectfully requests that the Petition to Make Special Under PCT-Patent Prosecution Highway Program be granted.

Respectfully submitted,
The Mueller Law Office, P.C.
/Grace Y. Schulz/
Grace Y. Schulz
Reg. No. 60,774

The Mueller Law Office, P.C
12707 High Bluff Drive, Suite 200
San Diego, CA 92130
Tel: (650) 346-5242
Fax: (858) 847-0017
E-mail: grace@themuellerlawoffice.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

THE MUELLER LAW OFFICE, P.C.
12707 High Bluff Drive, Suite 200
San Diego CA 92130

MAILED
APR 12 2011
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Smick et al. | : | |
| Application No.: 12/494268 | : | ON PETITION |
| Filing or 371(c) Date: 06/30/2009 | : | |
| Attorney Docket Number: | : | |
| TWINP017/TCA-023x | : | |

This is a decision on the "Petition to Change Order of Names Under 37 C.F.R. 1.182," filed on February 15, 2011.

The petition is **granted**.

The order of the names of the inventors has been be changed as follows:

1 Theodore H. Smick
2. Geoffrey Ryding
3. Kenneth Harry Purser
4. Joseph Daniel Gillespie

A Corrected Filing Receipt reflecting the change is enclosed herewith.

This application is being referred to Technology Center Art Unit 2881 for examination in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Replacement Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|---|---|---|---|---|---|---|
| 12/494,268 | 06/30/2009 | 2881 | 527 | TWINP017/TCA-023x | 17 | 3 |

**CONFIRMATION NO. 1900**

67362
THE MUELLER LAW OFFICE, P.C.
12707 High Bluff Drive, Suite 200
San Diego, CA 92130

**REPLACEMENT FILING RECEIPT**

*OC000000047049226*

Date Mailed: 04/11/2011

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

**Applicant(s)**

Theodore H. Smick, Essex, MA;
Geoffrey Ryding, Manchester, MA;
Kenneth Harry Purser, Gloucester, MA;
Joseph Daniel Gillespie, Boston, MA;

**Assignment For Published Patent Application**

TWIN CREEKS TECHNOLOGIES, INC., San Jose, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 67362

**Domestic Priority data as claimed by applicant**

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

**If Required, Foreign Filing License Granted:** 07/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/494,268**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****

**Title**

ION IMPLANTATION APPARATUS AND A METHOD FOR FLUID COOLING

**Preliminary Class**

250

## 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

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. |
|---|---|---|---|---|
| 12/494,268 | 06/30/2009 | Theodore H. Smick | TWINP017/TCA-023x | 1900 |

67362 7590 04/27/2011

THE MUELLER LAW OFFICE, P.C.
12707 High Bluff Drive, Suite 200
San Diego, CA 92130

| EXAMINER | |
|---|---|
| WELLS, NIKITA | |
| ART UNIT | PAPER NUMBER |
| 2881 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 04/27/2011 | ELECTRONIC |

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

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

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

heather@themuellerlawoffice.com
contact@themuellerlawoffice.com
docket@themuellerlawoffice.com

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

**THE MUELLER LAW OFFICE, P.C.**
**12707 High Bluff Drive, Suite 200**
**San Diego CA 92130**

**In re Application of**
**SMICK et al.**
**Application No.: 12/494,268**
**Filed: 30 June 2009**
**Attorney Docket No.: TWINP017/TCA-023x**
**For: ION IMPLANTATION APPARATUS AND A METHOD FOR FLUID COOLING**

**: 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 15 February 2011 and renewed 30 March 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, or USPTO;

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

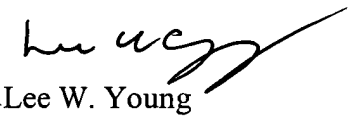
(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. PCT claim 7 depended from claim 2 but US claim 7 does not contain the limitations of claim 2. PCT claim 7 and US claim 7 clearly do not correspond.

No further consideration of this matter will be undertaken.

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

**MAILED**
DEC 09 2011
**OFFICE OF PETITIONS**

In re Application of Cheng-Chi Yeh :
Application No. 12/494,317 : Decision on Petition
Filing Date: June 30, 2009 :
Attorney Docket No. US19255 :

This is a decision on the petition under 37 CFR 1.137(b) filed September 27, 2011.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the full issue fee in a timely manner in reply to the Notice of Allowance mailed September 15, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 16, 2010. The Office mailed a Notice of Abandonment on December 29, 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 payment of the remaining fee due for the issue fee, (2) the required petition fee of $1,620, 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 Office of Data Management, Patent Publication Branch, 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
www.uspto.gov

Paper No.

DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO MD 20772

MAILED

AUG 13 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Khermosh | : | |
| Application No. 12/494,386 | : | DECISION ON PETITION |
| Filed: June 30, 2009 | : | PURSUANT TO |
| Attorney Docket No.: 2823/100 | : | 37 C.F.R. § 1.181(A) |
| Title: METHOD OF ETHERNET FRAME FORWARD ERROR CORRECTION INITIALIZATION AND AUTO-NEGOTIATION | : | |

This is a decision on the petition filed November 30, 2009, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn. A supplement to this petition was received on July 19, 2010, in response to the mailing of a notice of abandonment.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

## BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed July 16, 2009, which set a shortened statutory period for reply of two months. A response was received on November 30, 2009 (prior to the expiration of the maximum extendable period for response), along with an authorization to charge a two-month extension of time under the provisions of 37 C.F.R. § 1.136(a) (a three-month extension of time was required). Accordingly, the above-identified application became abandoned on September 17, 2009. A notice of abandonment was mailed on July 12, 2010.

## RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee ( 35 U.S.C. 151) or for failure to prosecute ( 35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

**Practitioner must state that the Office action was not received at the correspondence address of record**, and that **a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**

**A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.** That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

## ANALYSIS

Office records reflect that on September 23, 2008, Petitioner enrolled this application in the electronic delivery program. Office records further show that the electronic notification pertaining to the July 16, 2009 notice was properly sent on July 16, 2009, and after seven days had passed and the response had not been viewed in PAIR, the Office properly sent a postcard reminder on July 24, 2009 to the following physical address: "DR. MARK M. FRIEDMAN, C/O BILL POLKINGHORN - DISCOVERY

DISPATCH, 9003 FLORIN WAY, UPPER MARLBORO, MD, 20772."[1] Copies of this e-mail and this postcard have been included with this decision.

As such, in order for the record to support a finding that the holding of abandonment should be withdrawn, the above-reproduced Delgar requirements will have to be satisfied, as they relate to *both* the electronic notification *and* the postcard reminder.

With this petition, Petitioner has stated that the electronic notification of July 16, 2009 was not received at the correspondence address of record,[2] and that he has checked each of the three e-mail inboxes (the notification was sent to three separate e-mail addresses). Petitioner has further indicated that he records all actions in a "Hand Docketing Report," a file jacket, and a "docketing log,"[3] as well as a "database of all actions docketed,"[4] which have also been reviewed and no notation of the relevant communication appears therein.

Petitioner has included copies of electronic notifications,[5] the docket report that is associated with this individual application, his "Hand Docketing Report," and a docketing log, and it is noted that the relevant electronic notification does not appear thereon.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has not provided a statement which sufficiently describes the system used for recording an Office communication received at the correspondence address of record with the USPTO, such that the record establishes that the docketing system is sufficiently reliable. More specifically, the petition is silent as to the postcard receipt. **How does Petitioner record and docket postcard reminders that are received?**

Secondly, **Petitioner has not stated that the postcard reminder was not received at the physical address of record.**

---

1 The undersigned has confirmed with the Electronic Business Center that there were no irregularities with the mailing of either the electronic notification or the postcard reminder.
2 Declaration of facts, paragraph 1.
3 Id. at 2-3.
4 Id. at 5.
5 It is noted that Petitioner has included a copy of an electronic notification that was sent on July 16, 2009, at 05:43:35 AM. The relevant electronic notification was sent five seconds earlier.

Third, **the petition is silent as to any search that might have been performed of the file jacket (or the equivalent) and the application contents, in order to determine if the postcard reminder was received.**

Fourth, **it is not clear if the records which Petitioner has provided are the same records where the postcard receipt would have been entered.**

Finally, Petitioner has not provided a copy of the **master docket.**

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[10] All other inquiries

---

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300 - please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Electronic notification of July 16, 2009
Postcard reminder of July 24, 2009

**Shanoski, Paul**

**From:** PAIR_eOfficeAction
**Sent:** Thursday, July 16, 2009 6:15 AM
**To:** mark_f@friedpat.com; friedpat@yahoo.com; sharon_l@friedpat.com
**Cc:** PAIR_eOfficeAction
**Subject:** Private PAIR Correspondence Notification for Customer Number 44696

Courtesy Copy

Jul 16, 2009 05:43:30 AM

Dear PAIR Customer:

DR. MARK M. FRIEDMAN C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO, MD 20772
UNITED STATES

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| Application | Document | Mailroom Date | Attorney Docket No. |
|---|---|---|---|
| 10488319 | NOA | 07/16/2009 | 1934/26 |
| 12494386 | APP.FILE.REC | 07/16/2009 | 2823/100 |
| | NT.CR.APP.PA | 07/16/2009 | 2823/100 |

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DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO, MD 20772

**Courtesy Reminder for**
**Application Serial No: 12/494,386**

Attorney Docket No: 2823/100
Customer Number: 44696
Date of Electronic Notification: 07/16/2009

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Paper No.

DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO MD 20772

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of :
Khermosh :
Application No. 12/494,386 : DECISION ON RENEWED
Filed: June 30, 2009 : PETITION PURSUANT TO
Attorney Docket No.: 2823/100 : 37 C.F.R. § 1.181(A)
Title: METHOD OF ETHERNET FRAME :
FORWARD ERROR CORRECTION :
INITIALIZATION AND AUTO- :
NEGOTIATION :

This is a decision on the renewed petition filed October 11, 2010, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

## BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed July 16, 2009, which set a shortened statutory period for reply of two months. A response was received on November 30, 2009 (prior to the expiration of the maximum extendable period for response), along with an authorization to charge a two-month extension of time under the provisions of 37 C.F.R. § 1.136(a) (a three-month extension of time was required). Accordingly, the above-identified application became abandoned on September 17, 2009. A notice of abandonment was mailed on July 12, 2010.

## RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee ( 35 U.S.C. 151) or for failure to prosecute ( 35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

## PROCEDURAL HISTORY

Office records reflect that on September 23, 2008, Petitioner enrolled this application in the electronic delivery program. Office records further show that the electronic notification pertaining to the July 16, 2009 notice was properly sent on July 16, 2009, and after seven days had passed and the response had not been viewed in PAIR, the Office properly sent a postcard reminder on July 24, 2009 to the following physical address: "DR. MARK M. FRIEDMAN, C/O BILL POLKINGHORN - DISCOVERY DISPATCH, 9003 FLORIN WAY, UPPER MARLBORO, MD, 20772."[1]

---

1 The undersigned has confirmed with the Electronic Business Center that there were no irregularities with the mailing of either the electronic notification or the postcard reminder.

As such, in order for the record to support a finding that the holding of abandonment should be withdrawn, the above-reproduced Delgar requirements will have to be satisfied, as they relate to *both* the electronic notification *and* the postcard reminder. **There were two relevant Office communications: an electronic communication which was sent to the e-mail address of Mr. Friedman, and a paper postcard which was physically mailed to Mr. Polkinghorn. As such, in order for the record to establish that the holding of abandonment should be withdrawn, Mr. Friedman will need to establish that he did not receive the electronic communication and Mr. Polkinghorn will need to establish that he did not receive the physical mailing.**

An original petition pursuant to Rule 1.181(a) was filed on November 30, 2009, and supplemented on July 19, 2010. The original petition was dismissed via the mailing of a decision on August 13, 2010. The decision indicated that each of the Delgar Requirements had been satisfied as they apply to the electronic mailing, but for the submission of a copy of the master docket. The decision further indicated that none of the Delgar requirements, as they apply to the physical mailing, had been satisfied.

## ANALYSIS OF THIS RENEWED PETITION

Regarding the electronic communication:

A copy of Mr. Friedman's master docket has not been provided with either the original petition or this renewed petition. On second renewed petition, a copy of Mr. Friedman's master docket should be provided to establish that the electronic communication was not received.[2]

Regarding the physical mailing:

With this renewed petition, the record has been supplemented to indicate that Mr. Polkinghorn serves as the local agent for Mr. Friedman, in the sense that he receives mail for Mr. Friedman at the physical address of record. Mr. Polkinghorn then routinely

2 In the statement included with this renewed petition, Mr. Friedman discusses the included docket attachments and indicates that they establish that the postcard was not received. These attachments appear to constitute a master docket, however his discussion is silent as to whether the attachments serve as evidence that the e-mail was not received.

packages all mail, and ships it to Mr. Friedman in Israel via DHS.[3]

Mr. Friedman has included a statement of facts and multiple attachments in an effort to establish that he did not receive the postcard receipt from Mr. Polkinghorn. Clearly, Petitioner (Mr. Friedman) is attempting to meet the requirements of Delgar v. Schulyer, as delineated in MPEP § 711.03(c)(I)(A), reproduced above. However, the Delgar requirements are not relevant to the DHS packages which Mr. Friedman received from Mr. Polkinghorn, since the Office mailed the postcard to the physical address of Mr. Polkinghorn (the official correspondence address of record), and not to Mr. Friedman. In Delgar, the Office mailed a notice of allowance to the applicant, and the Delgar showing provides a mechanism by which applicants can establish that a mailing was not received from the Office. **Petitioner is attempting to establish that he did not receive a mailing from Mr. Polkinghorn, a situation that is outside of the scope of Delgar.**

On second renewed petition, Petitioner should include a statement and evidence from Mr. Polkinghorn, which establishes that he did not receive the postcard from the Office at "DISCOVERY DISPATCH, 9003 FLORIN WAY, UPPER MARLBORO, MD, 20772." Prior to preparing this statement and gathering the relevant evidence, Mr. Polkinghorn should review the list of five points that appear on pages 4-5 of the decision on the original petition.

## CONCLUSION

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6]

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3 Polkinghorn declaration of facts submitted with this renewed petition, paragraphs 1-2. Friedman declaration of facts submitted with this renewed petition, paragraphs 1-2 and 4.

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

Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[8] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300 - please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

DR. MARK M. FRIEDMAN
Moshe Aviv Tower, 54th Floor, 7 Jabotinsky St.
Ramat Gan 52520
ISRAEL

MAILED
MAR 29 2011
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Khermosh | : | |
| Application No. 12/494,386 | : | DECISION ON PETITION |
| Filed: June 30, 2009 | : | PURSUANT TO 37 C.F.R. |
| Attorney Docket No.: 2823/100 | : | § 1.137(B) |
| Title: METHOD OF ETHERNET FRAME FORWARD ERROR CORRECTION INITIALIZATION AND AUTO-NEGOTIATION | : | |

This is a decision on the petition filed January 2, 2011, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed July 16, 2009, which set a shortened statutory period for reply of two months. A response was received on November 30, 2009 (prior to the expiration of the maximum extendable period for response), along with an authorization to charge a two-month extension of time under the provisions of 37 C.F.R. § 1.136(a) (a three-month extension of time was required). Accordingly, the above-identified application became abandoned on September 17, 2009. A notice of abandonment was mailed on July 12, 2010.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on November 30, 2009 along with five pages of replacement drawings. The original petition pursuant to 37 C.F.R. § 1.181(a) was supplemented on July 19, 2010, where Petitioner included, *inter alia*, five pages of replacement drawings, and was dismissed via the mailing of a decision on August 13, 2010.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 11, 2010, and was dismissed via the mailing of a decision on December 14, 2010.

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

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

With this petition, Petitioner has submitted the proper statement of unintentional delay and the petition fee.

The second and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The first requirement of Rule 1.137(b) has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.[2] In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1). Petitioner has not satisfied this requirement, due to the fact that neither of the preveniently submitted replacement drawings (submitted on November 30, 2009 and July 19, 2010) can be accepted, for the following two reasons:

1 See Rule 1.137(d).
2 See M.P.E.P. § 711.03(c).

1. The replacement drawings are not labeled as "Replacement Sheets," and as such, the replacement drawings fail to comply with 37 C.F.R. §§ 1.84(c)[3] and 1.121(d).[4]

2. An amendment which directs the entry of the replacement drawings[5] has not been located in the electronic file.

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

**On renewed petition, Petitioner should include properly labeled replacement drawings along with an amendment directing the entry of the same.**

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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3 Rule 1.84(c) sets forth, *in pertinent part*: "[e]ach drawing sheet submitted after the filing date of an application must be identified as … "Replacement Sheet."

4 Rule 1.121(d) sets forth, *in pertinent part*: "[a]ny changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet".

5 37 C.F.R. § 1.121(a) sets forth, *in toto*: "[a]mendments in applications, other than reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made."

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

7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

8 (571) 273-8300: please note this is a central facsimile number.

9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[10]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

10 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
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Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

DR. MARK M. FRIEDMAN
Moshe Aviv Tower, 54th Floor, 7 Jabotinsky St.
Ramat Gan 52520
ISRAEL

MAILED
JUN 06 2011
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| | | |
|---|---|---|
| In re Application of | : | |
| Khermosh | : | |
| Application No. 12/494,386 | : | DECISION ON RENEWED PETITION |
| Filed: June 30, 2009 | : | PURSUANT TO 37 C.F.R. |
| Attorney Docket No.: 2823/100 | : | § 1.137(B) |
| Title: METHOD OF ETHERNET FRAME FORWARD ERROR CORRECTION INITIALIZATION AND AUTO-NEGOTIATION | : | |

This is a decision on the petition filed April 4, 2011, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed July 16, 2009, which set a shortened statutory period for reply of two months. A response was received on November 30, 2009 (prior to the expiration of the maximum extendable period for response), along with an authorization to charge a two-month extension of time under the provisions of 37 C.F.R. § 1.136(a) (a three-month extension of time was required). Accordingly, the above-identified application became abandoned on September 17, 2009. A notice of abandonment was mailed on July 12, 2010.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on November 30, 2009 along with five pages of replacement drawings. The original petition pursuant to 37 C.F.R.

§ 1.181(a) was supplemented on July 19, 2010, where Petitioner included, *inter alia*, five pages of replacement drawings, and was dismissed via the mailing of a decision on August 13, 2010. A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 11, 2010, and was dismissed via the mailing of a decision on December 14, 2010.

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

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

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on January 2, 2011, along with the proper statement of unintentional delay and the petition fee. The petition was dismissed via the mailing of a decision on March 29, 2011, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

With this renewed petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has included five sheets of properly labeled replacement drawings along with an amendment directing the entry of the same. It follows that the first requirement of Rule 1.137(b) has been satisfied.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application, including the replacement drawings received on April 4, 2011, may receive further processing. Petitioner will receive appropriate

1 See Rule 1.137(d).

notifications regarding the fees owed, if any, and other information in due course from OPAP.

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

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of :
Buckley, et al. :
Application No. 12/494,452 : DECISION DISMISSING PETITION
Filed: June 30, 2009 :
Attorney Docket No. **043961.051** :

This is regarding the "Petition under 37 CFR 1.182 to Correct Inventor's Name", filed December 21, 2011.

The petition is **dismissed as moot.**

The instant petition was filed on December 21, 2011, requesting that first name inventor's name be changed from Brad Buckley to Bradford Buckley in USPTO records. On January 13, 2012, Primary Examiner Belix Ortiz issued a notice in response to the petition noting that the request was being granted and the application file was being directed to the Office of Patent Application Processing for issuance of a corrected filing receipt. The corrected filing receipt was issued on January 17, 2012.

It is noted that correction of an inventor's name under the circumstances presented in the petition requires a petition under 37 CFR 1.182 and a $400.00 fee. Such a decision is most appropriate issued by the Office of Petitions along with a corrected filing receipt. As the requested relief was effected by Examiner Ortiz, there is no remedy that can be provided by the instant petition under 37 CFR 1.182. The petition is dismissed as moot, accordingly. The fee of $400.00 is noted and will not be refunded as such is required to effectuate the change made by the petition filed December 21, 2011.

The application is being directed to the Office of Data Management for further review.

Any inquiries related to 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

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KAMRATH & ASSOCIATES PA
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re
Chien-Lung Wu
Application No. 12/494,454
Filed: June 30, 2009
Attorney Docket No. CFP-4622

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed September 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of $405 is hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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BAINWOOD HUANG AND
ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH MA 01581

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of :
Van Der Goot, et al. :
Application No. 12/494,515 : DECISION
Filed: 30 June, 2009 :
Attorney Docket No. 1096-011 :

This is a decision on the petition filed on 20 May, 2010, treated akin to a petition pursuant to 37 C.F.R. §1.137(b) to accept an unintentionally delayed notification to the U.S. Patent and Trademark Office (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. (*See* 37 C.F.R. §1.137(f).)

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Failure to Notice

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(f) are the petition and fee therefor, a reply in the form of the Notice of subsequent foreign/international filing (in an eighteen-month publication country) and the date thereof, and a proper statement of unintentional delay under the regulation.

## BACKGROUND

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on *23 February, 2010*. However, the Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country. Therefore, pursuant to the provisions of 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c), Petitioner failed to timely notify the Office of the filing of a counterpart application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 C.F.R. §1.137(b) to accept an unintentionally delayed notification to the Office of the filing of a counterpart application in an eighteen-month publication country 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 C.F.R. §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 C.F.R. §1.137(b). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 U.S.C. §122(b)(2)(B)(iii) 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 *30 December, 2010.*

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]

As to Allegations of
Failure to Notice

It appears that the requirements under 37 C.F.R. §1.137(f) 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).

## CONCLUSION

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

This application is being released to Technology Center/AU 2189 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 decision has been acknowledged by the Technology Center/AU. It is noted that all inquiries with regard to substantive examination need be directed to the Technology Center/AU where 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[2]) 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

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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[2] The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 12/494,515 | 06/30/2009 | Roel van der Goot | 1096-011 |

**CONFIRMATION NO. 1263**

47653
BAINWOOD HUANG AND ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

**NONPUBLICATION RESCISSION LETTER**

*OC000000043185872*

Date Mailed: 08/24/2010

## 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 12/30/2010.

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".

/jjgillon jr/

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3727

In re

Attorney Docket No. 091393-9295-US00

Patent Application of

James Francis Bouchard, et al.

U.S. Application No. 12/494,679

Confirmation No. 1521

Filing Date: June 30, 2009

Examiner: Hadi Shakeri

"RATCHET WRENCH WITH COLLAR-ACTUATED REVERSING MECHANISM"

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY PILOT PROGRAM IN A U.S. APPLICATION WHERE THE EUROPEAN PATENT OFFICE WAS THE ISA OR IPEA

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

Sir:

Submitted herewith is a Request For Participation in the Patent Cooperation Treaty – Patent Prosecution Highway Pilot Program. No extensions of time or fees are believed necessary for this Request. In the event Applicants have overlooked the need to request an extension of time, please consider this a request for the same. Please also charge or debit Deposit Account No. 13-3080 with any shortage or overpayment of fees required for this Request.

Respectfully submitted,

Dated: 3/4/11

/julianne m. cozad smith/

Julianne M. Cozad Smith
Reg. No. 62,174

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414-271-6560

**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: | 12/494,679 | Filing date: | June 30, 2009 |
| First Named Inventor: | James Francis Bouchard | | |
| Title of the Invention: | RATCHET WRENCH WITH COLLAR-ACTUATED REVERSING MECHANISM | | |

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

**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/US2010/040549

**The international filing date of the corresponding PCT application(s) is/are:** June 30, 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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/494,679 |
| First Named Inventor: | James Francis Bouchard |

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 December 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 December 10, 2010

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 1-20 | 1-20 | Claims are identical |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /julianne m. cozad smith/ | Date March 4, 2011 |
| Name (Print/Typed) Julianne M. Cozad Smith | Registration Number 62,174 |

# Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3727

In re

Attorney Docket No. 091393-9295-US00

Patent Application of

James Francis Bouchard, et al.

U.S. Application No. 12/494,679

Confirmation No. 1521

Filing Date: June 30, 2009

Examiner: Hadi Shakeri

"RATCHET WRENCH WITH COLLAR-ACTUATED REVERSING MECHANISM"

STATEMENT REGARDING ITEM VIII OBSERVATIONS OF THE WRITTEN OPINION

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

Sir:

Further to the Request For Participation in the Patent Cooperation Treaty – Patent Prosecution Highway Pilot Program submitted herewith, Item VIII of the Written Opinion dated November 24, 2010, relates to European patent practice which permits only one independent apparatus claim. The observation does not apply to U.S. patent requirements.

Respectfully submitted,

Dated: 3/4/11

/julianne m. cozad smith/

Julianne M. Cozad Smith
Reg. No. 62,174

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414-271-6560

PATENT COOPERATION TREAT.

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| Applicant's or agent's file reference | **FOR FURTHER ACTION** | see Form PCT/ISA/220 as well as, where applicable, item 5 below. |
|---|---|---|
| 091393-9295-WO0 | | |
| International application No. | International filing date *(day/month/year)* | (Earliest) Priority Date *(day/month/year)* |
| PCT/US2010/040549 | 30/06/2010 | 30/06/2009 |
| Applicant | | |
| INGERSOLL RAND COMPANY | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

[X] 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:
      [X] 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,**
   [X] 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
   [X] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority
   12/24/2010
6. With regard to the **drawings,**
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      [X] as suggested by the applicant
      [ ] as selected by this Authority, because the applicant failed to suggest a figure
      [ ] as selected by this Authority, because this figure better characterizes the invention
   b. [ ] none of the figures is to be published with the abstract

DOCKETED

Form PCT/ISA/210 (first sheet) (July 2009)

Date: 12-2-2010

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2010/040549

**Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)**

A ratchet wrench has a handle (12) and a ratchet housing (18) that both extend along a first axis (A). A drive body (62) is connected for rotation relative to the ratchet housing about a second axis (B), perpendicular to the first axis. A yoke (40) substantially encircles the body and is connected to the ratchet housing and a direction selector (76) is coupled to the drive body (62) and extends along the second axis. The direction selector is rotatable about the second axis with respect to the drive body between a first position, in which the yoke is fixed for counterclockwise rotation with the drive body about the second axis, and a second position, in which the yoke is fixed for clockwise rotation with the drive body about the second axis. A direction actuator( 42) is connected to the direction selector for rotation about the first axis to move the direction selector between the first and second positions.

ternational application No

PCT/US2010/040549

A. CLASSIFICATION OF SUBJECT MATTER

INV. B25B21/00

ADD.

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

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

B25B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|---|---|---|
| A | DE 10 2006 040005 A1 (SP AIR K K [JP])<br>29 March 2007 (2007-03-29)<br>paragraph [0015]; figure 2 | 1-20 |
| A | US 2006/060032 A1 (BAKER DAVID [US])<br>23 March 2006 (2006-03-23)<br>paragraphs [0033] - [0041]; figures | 1-20 |

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

| Date of the actual completion of the international search | Date of mailing of the international search report |
|---|---|
| 16 November 2010 | 24/11/2010 |

| Name and mailing address of the ISA/ | Authorized officer |
|---|---|
| European Patent Office, P.B. 5818 Patentlaan 2<br>NL – 2280 HV Rijswijk<br>Tel. (+31-70) 340-2040,<br>Fax: (+31-70) 340-3016 | Kühn, Thomas |

1

| Patent document cited in search report | Publication date | Patent family member(s) | Publication date |
|---|---|---|---|
| DE 102006040005 A1 | 29-03-2007 | CN 1935466 A | 28-03-2007 |
| | | JP 2007083384 A | 05-04-2007 |
| | | US 2007068346 A1 | 29-03-2007 |
| US 2006060032 A1 | 23-03-2006 | WO 2006033748 A2 | 30-03-2006 |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

SSJ - IPC

# 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/US2010/040549 | 30.06.2010 | 30.06.2009 |

International Patent Classification (IPC) or both national classification and IPC
INV. B25B21/00

Applicant
INGERSOLL RAND COMPANY

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 and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has 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. 4/30/2011

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

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

DOCKETED
Date: 12-2-2010 jk
Also on JMS docket

| Name and mailing address of the ISA: | Date of completion of this opinion | Authorized Officer |
|---|---|---|
| European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0<br>Fax: +49 89 2399 - 4465 | see form PCT/ISA/210 | Kühn, Thomas<br>Telephone No. +49 89 2399-7883 |

**WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2010/040549

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

      ☐ on paper

      ☐ in electronic form

   b. (time)

      ☐ in the international application as filed

      ☐ together with the international application in electronic form

      ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**Box No. 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 | 1-20 |
| | No: | Claims | |
| Inventive step (IS) | Yes: | Claims | 1-20 |
| | No: | Claims | |
| Industrial applicability (IA) | Yes: | Claims | 1-20 |
| | No: | Claims | |

2. Citations and explanations

**see separate sheet**

**Box No. VIII Certain observations on the international application**

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

**see separate sheet**

**Re Item V.**
**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1 **Relevant state of the art**
Reference is made to the following documents:

D1 DE 10 2006 040005 A1 (SP AIR K K [JP]) 29 March 2007 (2007-03-29)

D2 US 2006/060032 A1 (BAKER DAVID [US]) 23 March 2006 (2006-03-23)

2 **Independent claim 1**

2.1 Document D1, which is considered to represent the most relevant state of the art, (cf. in particular fig. 2) discloses a ratchet wrench comprising:

- an elongate 12 handle having a first end and second free end, the handle extending substantially along a first axis;

- a ratchet housing 47 having a first free end and a second end coupled to the handle first end, the ratchet housing extending substantially along the first axis, the ratchet housing having a first portion 45A and a second portion 45B spaced from the first portion, such that the first and second portions extend substantially along the first axis;

- a drive body 51coupled to the ratchet housing for rotation relative to the ratchet housing about a second axis, substantially perpendicular to the first axis, the drive body extending between and coupled to the first and second portions of the ratchet housing;

- a yoke 41 coupled to the ratchet housing for oscillating movement with respect to the ratchet housing 47, the yoke substantially encircling the drive body 51;

- a direction selector 57 coupled to the drive body 51 and extending along the second axis, the direction selector rotatable about the second axis with respect to the drive body between a first position, in which the yoke is rotatable clockwise with respect to the drive body and the yoke is coupled to the drive body for counterclockwise rotation with the drive body about the second axis, and a second position, in which the yoke is rotatable

counterclockwise with respect to the drive body and the yoke is coupled to the drive body for clockwise rotation with the drive body about the second axis (cf. paragraph 15).

2.2 From this, the subject-matter of independent claim 1 differs in that:
- a direction actuator coupled to the direction selector for rotation about the first axis to move the direction selector about the second axis between the first and second positions.
The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

2.3 The problem to be solved by the present invention may be regarded as:
Provision of an alternative reversing mechanism for changing the rotational direction of the ratchet wrench even when the head of the ratchet wrench is inserted into confined areas.

2.4 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
The concept of providing a power driven ratchet wrench with a direction actuator which is rotatable about the handle, in order to change the rotational direction of the tool, is neither known from nor rendered obvious by any of the available documents.
D2 discloses a ratchet wrench having a direction actuator consisting of a shift linkage 112 and a manual forward reverse switch 113 which is slidable along a longitudinal axis of the wrench (cf. in particular fig. 5).

3 **With respect to independent claims 11 and 20**
The same reasoning applies likewise for the subject-matter of independent claims 11 and 20.

4 **Industrial applicability**

4.1 Since the ratchet wrench according to claims 1,11 and 20 can be made and used in industry, these claims meet the requirements of Article 33(4) PCT.

4.2 Dependent claims 2-10 and 12-19 define embodiments of the ratchet wrench according to claims 1 and 11. Therefore, they also meet the requirements of Articles 33(2) to 33(4) PCT.

**Re Item VIII**
**Certain observations on the international application (clarity)**

1 **Form and content of the claims**
Although claims 1,11 and 20 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to

differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/494,679 | 06/30/2009 | James Francis Bouchard | 091393-9295-00 | 1521 |

23409 7590 03/07/2011

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

| EXAMINER | |
|---|---|
| SHAKERI, HADI | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3727 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/07/2011 | 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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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

| | |
|---|---|
| In re Application of | : |
| BOUCHARD, JAMES FRANCIS et al | : DECISION ON REQUEST TO |
| Application No. 12/494,679 | : PARTICIPATE IN PATENT |
| Filed: June 30, 2009 | : PROSECUTION HIGHWAY |
| Attorney Docket No 091393-9295-00 | : PILOT PROGRAM AND PETITION |
| For: RATCHET WRENCH WITH COLLAR-ACTUATED REVERSING MECHANISM | : 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 4, 2011 to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application 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 Monica Carter, the SPE of Art Unit 3727 and (571)272-4475 for Class 81/57 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 is currently undergoing pre-examination processing. Upon completion, the 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

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

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
Rustamov et al. :
Application No. 12/494691 :
Filing or 371(c) Date: 06/30/2009 : ON PETITION
Attorney Docket Number: :
MAJOR-111C :

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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RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY NY 11560

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of :
Kouros Azimi et al. :
Application No. 12/494,718 : ON PETITION
Filed: June 30, 2009 :
Attorney Docket No: **Azimi 24-48-1-43** :

This is a decision on the petition filed October 20, 2011 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned May 17, 2011 for failure to timely reply to the non-Final Office Action mailed February 14, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed October 18, 2011.

This matter is being referred to Technology Center 2827 for appropriate action on the amendment filed October 20, 2011.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[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 Director may require additional information where there is a question whether the delay was unintentional; and

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

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**ALSTON & BIRD LLP**
**BANK OF AMERICA PLAZA**
**101 SOUTH TRYON STREET, SUITE 4000**
**CHARLOTTE, NC 28280-4000**

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
DASHER, Charles H. et al. :
Application No. 12/494,856 : DECISION ON PETITION
Filed: June 30, 2009 : TO WITHDRAW
Attorney Docket No. **P28552-US1** : 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 moot because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to **ALSTON & BIRD LLP** has been revoked by the assignee of the patent application on February 14, 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **ERICSSON INC.**
**6300 LEGACY DRIVE**
**M/S EVR 1-C-11**
**PLANO TX 75024**

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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
SUITE 2000
PHILADELPHIA, PA 19103-6996

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of
Robb Fujioka
Application No. 12/494,940
Filed: June 30, 2009
Attorney Docket No. 203103-0006-01-US (440604)

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **APPROVED**.

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

The request was signed by Edward F. Behm on behalf of all attorneys of record who are associated with customer No. 23973. All attorneys/agents associated with the Customer Number 23973 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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).

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: ROBB FUJIOKA
1701 N. MEADOWS AVENUE
MANHATTAN BEACH, CA 90266

cc: FUHU, INC.
909 N. SEPULVEDA BOULDEVARD
SUITE 540
EL SEGUNDO, CA 90245

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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 12/494,940 | 06/30/2009 | Robb Fujioka | 203103-0006-01-US(440604) |

**CONFIRMATION NO. 1951**

**POWER OF ATTORNEY NOTICE**

23973
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA, PA 19103-6996

*OC000000046790570*

Date Mailed: 03/28/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2011.

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

/amwise/

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

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ALLERGAN INC
2525 DUPONT DRIVE T2-7H
IRVINE CA 92612-1599

**MAILED**

APR 18 2012

**OFFICE OF PETITIONS**

In re Application of :
Leroy Young :
Application No. 12/495,103 : ON PETITION
Filed: June 30, 2009 :
Attorney Docket No. 19075 (HEA) :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 23, 2012.

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

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed May 5, 2011. This Office set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on August 6, 2011. The Office mailed a Notice of Abandonment on December 2, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 3773 for consideration of the Amendment, filed March 23, 2012.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60654-4746

**MAILED**

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Camillo Ricordi et al. :
Application No. 12/495,177 :
Filed: June 30, 2009 :
Attorney Docket No. **213364-30002** :

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 August 17, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered 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.*

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

| | |
|---|---|
| **Doc Code: PET.AUTO**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12495177 |
| Filing Date | 30-Jun-2009 |
| First Named Inventor | Camillo Ricordi |
| Art Unit | 2167 |
| Examiner Name | MOHAMMED UDDIN |
| Attorney Docket Number | 213364-30002 |
| Title | System, Method, and Apparatus for Capturing, Securing, Sharing, Retrieving, and Searching Data |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 69139

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 | Camillo Ricordi |
| Address | 3734 Matheson Avenue |
| City | Miami |
| State | FL |
| Postal Code | 33133 |

| | |
|---|---|
| Country | US |
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /Nancy J. Leith/ |
| Name | Nancy J. Leith |
| Registration Number | 45309 |

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : September 12,2011

In re Application of :

Camillo Ricordi

Application No : 12495177

Filed : 30-Jun-2009

Attorney Docket No : 213364-30002

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 September 12,2011

The request is **APPROVED.**

The request was signed by Nancy J. Leith (registration no. 45309 ) on behalf of all attorneys/agents associated with Customer Number 69139 . All attorneys/agents associated with Cusotmer Number 69139 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 Camillo Ricordi

Name2

Address 1 3734 Matheson Avenue

Address 2

City Miami

State FL

Postal Code 33133

Country US

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

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

Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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# BIB DATA SHEET

**CONFIRMATION NO. 2492**

| SERIAL NUMBER | FILING or 371(c) DATE<br>RULE | CLASS | GROUP ART UNIT | ATTORNEY DOCKET NO. |
|---|---|---|---|---|
| 12/495,254 | 06/30/2009 | 435 | 1634 | 39613-109949 |

**APPLICANTS**
DEBRA E. WEESE-MAYER, CHICAGO, IL;
ELIZABETH M. BERRY-KRAVIS, DES PLAINES, IL;
LILI ZHOU, DARIEN, IL;

**** CONTINUING DATA ***************************
This application is a CON of 12/129,489 05/29/2008 ABN
which is a DIV of 10/891,585 07/15/2004 PAT 7,393,642
which claims benefit of 60/488,105 07/17/2003

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **

| Foreign Priority claimed ☐ Yes ☑ No<br>35 USC 119(a-d) conditions met ☐ Yes ☑ No<br>Verified and Acknowledged /JEANINE ANNE GOLDBERG/ Examiner's Signature | ☐ Met after Allowance<br>Initials | STATE OR COUNTRY | SHEETS DRAWINGS | TOTAL CLAIMS | INDEPENDENT CLAIMS |
|---|---|---|---|---|---|
| | | IL | 4 | 9 | 2 |

**ADDRESS**

BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786
UNITED STATES

**TITLE**

METHODS AND PRIMERS FOR DIAGNOSING IDIOPATHIC CONGENITAL CENTRAL HYPOVENTILATION SYNDROME

| FILING FEE RECEIVED | | |
|---|---|---|
| 462 | FEES: Authority has been given in Paper<br>No._____ to charge/credit DEPOSIT ACCOUNT<br>No._____ for following: | ☐ All Fees<br>☐ 1.16 Fees (Filing)<br>☐ 1.17 Fees (Processing Ext. of time)<br>☐ 1.18 Fees (Issue)<br>☐ Other _____<br>☐ Credit |

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**SILVERSKY GROUP LLC**
**5422 LONGLEY LANE, SUITE B**
**RENO NV 89511**

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application of :
Picton et al. :
Application No. 12/495,260 :
Filed: June 30, 2009 :
Attorney Docket No. 300003-00005 :

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 **NOT APPROVED**.

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

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

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

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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: | 12/495,366 | Filing date: | 06-30-2009 |
| First Named Inventor: | Kent Weber | | |
| Title of the Invention: | METHOD AND SYSTEMS FOR BLEED AIR SUPPLY | | |

**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/US2010/034759

**The international filing date of the corresponding PCT application(s) is/are:** May 13, 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.

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

(continued)

| | |
|---|---|
| Application No.: | 12/495,366 |
| First Named Inventor: | Kent Weber |

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 |
|---|---|---|
| 1-20 | 1-20 | Claims 1-20 of the PCT/US2010/034759 |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /jet50352/ | Date June 28, 2011 |
| Name (Print/Typed) Jonathan E. Thomas | Registration Number 50,352 |

# 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/US2010/034759 | 13.05.2010 | 30.06.2009 |

International Patent Classification (IPC) or both national classification and IPC
INV. F02C6/08 F16K11/22 ADD. F01D17/14

Applicant
GE AVIATION SYSTEMS LLC

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 and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has 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<br>P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk - Pays Bas<br>Tel. +31 70 340 - 2040<br>Fax: +31 70 340 - 3016 | see form PCT/ISA/210 | Steinhauser, Udo<br>Telephone No. +31 70 340-4171 |

**WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2010/034759

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**Box No. 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 | 1-20 |
| | No: | Claims | |
| Inventive step (IS) | Yes: | Claims | 1-20 |
| | No: | Claims | |
| Industrial applicability (IA) | Yes: | Claims | 1-20 |
| | No: | Claims | |

2. Citations and explanations

**see separate sheet**

**Box No. VII Certain defects in the international application**

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

**see separate sheet**

**Re Item V**

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

1 Reference is made to the following documents:

D1 US 3 367 255 A (TERP LESLIE S) 6 February 1968 (1968-02-06)

D2 US 1 180 017 A

Introductory remark

Although claims 1 and 15 have been drafted as separate independent claims, claim 15 contains a first and a second integrated ejector valve assembly according to claim 1. However, this dependency is not defined in said claim and the aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT. The following assessment has been made under the condition that such a dependency would have been defined in claim 15.

2 Document D1 is regarded as being the prior art closest to the subject-matter of claim 1 and discloses [references refer to D1]:

an integrated ejector valve assembly comprising a valve assembly configured to control a flow of relatively lower pressure fluid from a first inlet port (11) and a flow of relatively higher pressure fluid from a second inlet port (12) whereby the assembly comprises a first actuation chamber (40) configured to close said valve assembly and a second actuation chamber (38) configured to close said valve assembly. The valve body is manufactured from two coaxially arranged inner and outer sleeve valve portions (33,34).

The subject-matter of claim 1 therefore differs from this known integrated ejector valve assembly in that the integrated ejector valve assembly is defined by a first valve assembly and a second valve assembly configured to control a flow of relatively lower pressure fluid and higher pressure fluid from a first and a second inlet port respectively. Furthermore a first actuation chamber is configured to close said first valve assembly whereby a second and a third actuation chamber are configured to close and to open said second valve assembly, respectively. The subject matter of claim 1 is therefore new.

2.1 The problem to be solved by the present invention may be regarded as reduction in the complexity and number of parts in bleed air systems with the consequence of having less parts to stock for maintenance and repair and reducing the overall weight of an aircraft (see §0007).

2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: none of the documents found in the prior art discloses or suggests an integrated valve assembly of the ejector principle having two separate valves. All the valves disclosed in this technical domain comprise a single valve, usually of the needle type, that regulates the flow of high pressure fluid. D2 discloses a vacuum jet pumping system in which two individual valves regulate the individual flows of air (at 29) and compressed air (at 34). However, this is not an assembly of the integrated type and there is virtually only a single actuation chamber (in cylinder 40) that is configured to open the high pressure fluid valve. Hence not even an alleged combination with D2 or any other document from the state of the art would result in an valve assembly as claimed in claim 1. Consequently the integrated ejector valve assembly as defined therein fulfils the criteria of Art. 33(3) PCT.

2.3 Claims 2-7 are dependent on claim 1 and as such also meets the requirements of the PCT with respect to novelty and inventive step. This applies also, under the assumption of given dependency, to claims 15-20.

2.4 The same argumentation as given under points 2-2.2 is also applicable in view of independent claim 8 and dependent claims 9-14.

2.5 The invention is industrially applicable in the field of gas turbine engines (Art. 33 (4) PCT).

## Re Item VII

### Certain defects in the international application

1 In accordance with the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document D1 should have been mentioned in the description and this document should have been identified therein.

2 Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would have been appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

3 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

4 The unit *psig* employed on page 5,7 and *psi* on page 8 is not recognised in international practice contrary to the requirements of Rule 10.1(d) PCT.

CLAIMS

1. An integrated ejector valve assembly comprising:

a first valve assembly configured to control a flow of relatively lower pressure fluid from a first inlet port;

a second valve assembly configured to control a flow of relatively higher pressure fluid from a second inlet port;

a first actuation chamber configured to close said first valve assembly;

a second actuation chamber configured to close said second valve assembly; and

a third actuation chamber configured to open said second valve assembly.

2. An assembly in accordance with Claim 1, wherein said first valve assembly comprises a poppet valve.

3. An assembly in accordance with Claim 1, wherein said second valve assembly comprises a pintle valve.

4. An assembly in accordance with Claim 1, further comprising an ejector configured to use the flow of relatively higher pressure fluid to facilitate increasing the flow of relatively lower pressure fluid.

5. An assembly in accordance with Claim 1, further comprising a first manifold comprising a plurality of passages configured to control a pressure in said first actuation chamber.

6. An assembly in accordance with Claim 1, further comprising a second manifold comprising a plurality of passages configured to control a differential pressure between said second actuation chamber and said third actuation chamber.

7. An assembly in accordance with Claim 1, wherein said first valve assembly is configured to maintain a pressure at an outlet of said integrated ejector valve assembly greater than a first predetermined range of pressure, said second valve assembly is configured to maintain a pressure at the outlet of said integrated ejector valve assembly greater than a second predetermined range of pressure, wherein the first range of pressure is greater than the second range of pressure, and wherein the first and second ranges do not overlap.

8. A method of supplying engine bleed air to an aircraft using a first integrated ejector valve assembly, said method comprising:

controlling a flow of a relatively lower pressure fluid received at the first integrated ejector valve assembly using a first valve assembly;

controlling a flow of a relatively higher pressure fluid received at the first integrated ejector valve assembly using a second valve assembly; and

maintaining a pressure in an outlet of the first integrated ejector valve assembly using the controlled flow of relatively lower pressure fluid and the controlled flow of relatively higher pressure fluid.

9. A method in accordance with Claim 8, further comprising receiving at least one of the flow of the relatively lower pressure fluid and the flow of the relatively higher pressure fluid from a bleed port on a gas turbine engine.

10. A method in accordance with Claim 8, wherein controlling a flow of a relatively lower pressure fluid further comprises aspirating the flow of relatively lower pressure fluid through an ejector positioned within the first integrated ejector valve assembly using the flow of relatively higher pressure fluid.

11. A method in accordance with Claim 8, further comprising biasing at least one of the first valve assembly and the second valve assembly based on the outlet flow from the first integrated ejector valve assembly.

12. A method in accordance with Claim 8, further comprising supplying a portion of the engine bleed air to an aircraft using a second integrated ejector valve assembly.

13. A method in accordance with Claim 8, further comprising coupling an outlet of a second integrated ejector valve assembly to an outlet of the first integrated ejector valve assembly.

14. A method in accordance with Claim 8, wherein supplying engine bleed air to an aircraft comprises:

supplying engine bleed air to an aircraft using a first integrated ejector valve assembly to supply a first portion of the engine bleed air and a second integrated ejector valve assembly to supply a second portion of the engine bleed air;

measuring the flow of the first portion and the flow of the second portion; and

adjusting the flow of at least one of the first portion and the second portion such that the flow of the first portion and the second portion are substantially equal.

15. An aircraft system comprising:

a first gas turbine engine comprising a first high pressure bleed port and a first low pressure bleed port;

a second gas turbine engine comprising a second high pressure bleed port and a second low pressure bleed port;

an engine bleed air header configured to channel bleed air at a selectable pressure to the aircraft;

a first integrated ejector valve assembly coupled in flow communication between said first high pressure bleed port and first low pressure bleed port, and said engine bleed air header;

a second integrated ejector valve assembly coupled in flow communication between said second high pressure bleed port and second low pressure bleed port, and said engine bleed air header; and

a controller communicatively coupled to said first integrated ejector valve assembly and said second integrated ejector valve assembly, said controller configured to substantially match an output flow of said first integrated ejector valve assembly and said second integrated ejector valve assembly.

16. A system in accordance with Claim 15 wherein at least one of said first integrated ejector valve assembly and said second integrated ejector valve assembly includes a first valve assembly configured to maintain a pressure at said engine bleed air header greater than a first predetermined range of pressure and a second valve assembly configured to maintain the pressure at said engine bleed air header greater than a second predetermined range of pressure, wherein the first range of pressure is greater than the second range of pressure, and wherein the first and second ranges do not overlap.

17. A system in accordance with Claim 15 wherein at least one of said first integrated ejector valve assembly and said second integrated ejector valve assembly includes a bias assembly configured to receive a bias command from said controller, the at least one of said first integrated ejector valve assembly and said second integrated ejector valve assembly configured to adjust the output flow of a respective one of at least one of said first integrated ejector valve assembly and said second integrated ejector valve assembly using the bias command.

18. A system in accordance with Claim 15 wherein at least one of said first integrated ejector valve assembly and said second integrated ejector valve assembly includes a bias assembly configured to receive a bias command from said controller, the at least one of said first integrated ejector valve assembly and said second integrated ejector valve assembly configured to adjust the output flow of a respective one of at least one of said first integrated ejector valve assembly and said second integrated ejector valve assembly using at least one of an associated first valve assembly and a second valve assembly positioned within said integrated ejector valve assembly.

19. A system in accordance with Claim 18 wherein said bias assembly comprises a bias member configured to bias said first valve assembly and said second valve assembly to a closed position.

20. A system in accordance with Claim 15 wherein said bias assembly comprises at least one of an electrical and a pneumatic positioning assembly.

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. |
|---|---|---|---|---|
| 12/495,366 | 06/30/2009 | Kent Weber | 235214 (12729-860) | 2692 |

29399 7590 07/12/2011

JOHN S. BEULICK (12729)
C/O ARMSTRONG TEASDALE LLP
7700 FORSYTH BOULEVARD
SUITE 1800
ST. LOUIS, MO 63105

| EXAMINER | |
|---|---|
| RODRIGUEZ, WILLIAM H | |
| **ART UNIT** | **PAPER NUMBER** |
| 3741 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 07/12/2011 | ELECTRONIC |

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

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

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

uspatents@armstrongteasdale.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

JOHN S. BEULICK (12729)
C/O ARMSTRONG TEASDALE LLP
7700 FORSYTH BOULEVARD
SUITE 1800
ST. LOUIS MO 63105

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| *In re* Application of: | DECISION ON A REQUEST TO |
| WEBER, KENT | PARTICIPATE IN PATENT |
| Serial No.: 12/495366 | PCT/PROSECUTION HIGHWAY |
| Filed: June 30, 2009 | PROGRAM AND PETITION |
| Attorney Docket No. : 235214 (12729-860) | TO MAKE SPECIAL UNDER |
| Title: METHOD AND SYSTEMS FOR BLEED AIR SUPPLY | CFR 1.102(a) |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 1, 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 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.

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

Petition is **granted**.

/Henry C. Yuen/

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

**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: | 12495387 | Filing date: | 2009-06-30 |
| First Named Inventor: | Piotr DEC | | |
| Title of the Invention: | DUAL TENSIONER ASSEMBLY | | |

**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/US2010/040213

**The international filing date of the corresponding PCT application(s) is/are:** 2010-06-28

**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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12495387 |
| First Named Inventor: | Piotr DEC |

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 |
|---|---|---|
| 1-14 | 1-14 | all claims are identical and in English |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /paul n dunlap/ | Date 2011-08-04 |
| Name (Print/Typed) Paul N. Dunlap | Registration Number 52840 |

# 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. |
|---|---|---|---|---|
| 12/495,387 | 06/30/2009 | Piotr Dec | T08-132A | 2727 |

26683 7590 11/09/2011
THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER, CO 80202

| EXAMINER | |
|---|---|
| REESE, ROBERT T | |
| ART UNIT | PAPER NUMBER |
| 3654 | |
| MAIL DATE | DELIVERY MODE |
| 11/09/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 9 2011

THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER CO 80202

In re application of
Dec et al.
Application No. 12/495,387
Filed: June 30, 2009
For: DUAL TENSIONER ASSEMBLY

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 04, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/08/11

**Doc Code: PET.GREEN**
**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| Attorney Docket Number: O2-0505 | Application Number (if known): 12/495,495 | Filing date: 06-30-2009 |
|---|---|---|

First Named Inventor: Guoxing LI

Title: BATTERY MANAGEMENT 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 set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

| Signature /James P. Hao/ | Date 11-29-2010 |
|---|---|
| Name (Print/Typed) James P. Hao | Registration Number 36398 |

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

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

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

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

# Privacy Act Statement

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

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

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

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

| | | | |
|---|---|---|---|
| Applicant: | LI, Guoxing | Examiner: WANG, E. | |
| Serial No.: | 12/495,495 | Group Art Unit: 1726 | |
| Filed: | 06-30-2009 | Docket: O2-0505 | |
| Confirmation No.: | 2898 | | |
| Title: | BATTERY MANAGEMENT SYSTEM | | |

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

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

Dear Sir:

BASIS FOR SPECIAL STATUS

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

HOW THE MATERIALITY STANDARD IS MET

The claimed subject matter of this Application is directed to battery management system and method for enabling communication in a battery management system. The battery management system and method for enabling communication in a battery management system materially improve energy efficiency by preventing disconnections in the management of batteries such as rechargeable battery packs to make the batteries more reliable and power efficient. Additionally, the claimed subject matter may be employed in industrial equipment, commercial equipment, and household appliances to materially contribute to the more efficient utilization and conservation of energy resources.

For example, the claimed subject matter may be employed in rechargeable battery pack applications. The claimed subject matter promotes development of increased applications for rechargeable battery packs because of power efficiency and reliability improvements. Moreover, the rechargeable battery packs may be used to replace other inefficient power sources and non-electric power sources such as gas.

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

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

**MURABITO HAO & BARNES LLP**
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
74878

Respectfully submitted,

Date: 11/29/2010

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/495,495 | 06/30/2009 | Guoxing Li | O2-0505 | 2898 |

74878 7590 12/17/2010

O2MICRO INC
C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

| EXAMINER | |
|---|---|
| WANG, EUGENIA | |
| **ART UNIT** | **PAPER NUMBER** |
| 1726 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/17/2010 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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O2MICRO INC
C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

DEC 17 2010

| | | |
|---|---|---|
| In re Application of | : | |
| Li | : | DECISION ON PETITION |
| Application No. 12/495,495 | : | TO MAKE SPECIAL UNDER |
| Filed: 6/30/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **O2-0505** | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 11/29/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1726 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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O2MICRO INC
C/O MURABITO, HAO & BARNES, LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

MAILED

APR 26 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Guoxing Li | : | |
| Application No. 12/495,495 | : | DECISION GRANTING PETITION |
| Filed: June 30, 2009 | : | UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. O2-0505 | : | |

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

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on April 18, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[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 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

[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. |
|---|---|---|---|---|
| 12/495,533 | 06/30/2009 | Richard Dellacona | VRDE.002A | 2964 |

7590 12/23/2010

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH, CA 92660

| EXAMINER | |
|---|---|
| DEBERADINIS, ROBERT L | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2836 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/23/2010 | 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

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. |
|---|---|---|---|---|
| 12/495,533 | 06/30/2009 | Richard Dellacona | VRDE.002A | 2964 |

7590 12/23/2010

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH, CA 92660

| EXAMINER | |
|---|---|
| DEBERADINIS, ROBERT L | |
| ART UNIT | PAPER NUMBER |
| 2836 | |
| MAIL DATE | DELIVERY MODE |
| 12/23/2010 | PAPER |

# DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

*The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Patent Publication Branch
Office of Data Management

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

JUN 10 2011

OFFICE OF PETITIONS

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH CA 92660

In re Application of :
Dellacona :
Application No. 12/495,533 : DECISION ON PETITION
Filed: June 30, 2009 :
Attorney Docket No. Dellac.R.-11US :

This is a decision on the under 37 CFR 1.137(b) petition filed February 28, 2011 in the above-identified application.

The petition is **dismissed.**

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

This above-identified application became abandoned after a Request for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) filed on December 14, 2010. The request for express abandonment was acknowledged by the Office of Patent Publication Branch on December 23, 2010. A Notice of Abandonment was mailed December 23, 2010.

On petition, applicant seeks to revive the instant application after the filing of an express abandonment. Applicant contends that the abandonment occurred based upon a misunderstanding between counsel and applicant. Counsel for applicant states the instant application contains the same subject matter in the PCT and Taiwanese national applications. Thus, counsel believed since applicant expressly abandoned the PCT and Taiwanese applications, counsel incorrectly believed that applicant also wanted to expressly abandon he instant application. Counsel states applicant signed the form believing that the request would prevent the publication of the application. However applicant did not intend to abandon the application.

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 (3).

The Office has carefully considered petitioner's argument and has determined that the arguments presented do not warrant the revival of the application. As MPEP 711.01 points out, it is imperative that the attorney or agent of record exercise every precaution in ascertaining that the abandonment of the application is in accordance with the desires and best interests of the applicant prior to signing a letter of express abandonment of a patent application. In this instance the record shows the application was intentionally abandoned.

An intentional course of action is not rendered unintentional when, upon reconsideration, the applicant changes his or her mind as to the course of action that should have been taken. See In re Maldague, 10 USPQ2d 1477, 1478 (Comm'r Pat. 1988).

Likewise, a change in circumstances that occurred subsequent to the abandonment of an application does not render "unintentional" the delay resulting from a previous deliberate decision to permit an application to be abandoned. These matters simply confuse the question of whether there was a deliberate decision not to continue the prosecution of an application with why there was a deliberate decision not to continue the prosecution of an application.

As such the abandonment will not be withdrawn.

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

| | |
|---|---|
| By mail: | Mail Stop PETITIONS<br>Commissioner for Patents<br>Post Office Box 1450<br>Alexandria, VA 22313-1450 |
| By hand: | Customer Service Window<br>Mail Stop Petitions<br>Randolph Building<br>401 Dulany Street<br>Alexandria, VA 22314 |
| By fax: | (571) 273-8300<br>ATTN: Office of Petitions |

Any questions concerning this matter may be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney
Office of Petitions

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SEP 23 2010

OFFICE OF PETITIONS

AMPACC LAW GROUP
3500 188TH STREET S.W., SUITE 103
LYNNWOOD, WA 98037

In re Application of :
Seung In Bang :
Application No. 12/495,562 : DECISION GRANTING STATUS
Filed: June 30, 2009 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 100BK-001600US :

This is in response to the renewed petition under 37 CFR 1.47(b), filed July 20, 2010.

The petition is **GRANTED.**

Petitioner has shown that the legal representative for deceased inventor has refused to join in the filing of the above-identified application.

The declaration filed July 20, 2010 is being accepted with the understanding that Seung In Bang is the deceased inventor and Hyun Koo Choi has signed on behalf of the non-signing legal representative Hyung Seok Bank. If this is an incorrect interpretation of the declaration filed July 20, 2010, Rule 47 applicant must promptly notify the Office.

In view of the above, the application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing representative at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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SEP 23 2010

OFFICE OF PETITIONS

MR. HYUNG SEOK BANK
#205-904, JUGONG APT.,
DAEBANG-DONG, DONGJACK-GU,
SEOUL 156-765
REPUBLIC OF KOREA

In re Application of :
Seung In Bang :
Application No. 12/495,562 : LETTER
Filed: June 30, 2009 :
Attorney Docket No. 100BK-001600US :

Dear Mr. Bank:

You are named as legal representative of a decease 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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 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: AMPACC LAW GROUP
3500 188TH STREET S.W., SUITE 103
LYNNWOOD, WA 98037

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.**:20110525

**DATE** : May 25, 2011

**TO SPE OF** : ART UNIT 1772

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7842241

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
**Certificates of Correction Branch - ST (South Tower) 9A22**
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance** **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

**Comments:**

Caim 8 was supposed to be cancelled. All the corrections are therefore appropriate and correspondingly approved.

/In Suk Bullock/
Supervisory Patent Examiner, Art Unit 1772

UNITED STATES PATENT AND TRADEMARK OFFICE

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**MORRISON & FOERSTER LLP**
**12531 HIGH BLUFF DRIVE**
**SUITE 100**
**SAN DIEGO, CA 92130**

**MAILED**

SEP 01 2010

**OFFICE OF PETITIONS**

In re Application of :
Haddach et al. :
Application No. 12/495,666 :
Filed: June 30, 2009 :
Attorney Docket No. CYLE-047/03US :
039955-2313

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 25225 was revoked by the assignee of the patent application on August 6, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

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**GREENBERG TRAURIG (LV)**
**3773 HOWARD HUGHES PARKWAY, SUITE 400 NORTH**
**LAS VEGAS, NV 89169**

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
**David A. JOHNSON**, et *al.* :
Application No. 12/495,754 : DECISION GRANTING PETITION
Filed: June 30, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **087163.000292** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 18, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on February 18, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2873 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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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
SEP 22 2011
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Patent No. 7,946,703 | : | |
| Issue Date: May 24, 2011 | : | |
| Application No. 12/495,754 | : | NOTICE UNDER 37 CFR. 1.28(c) |
| Filed: June 30, 2009 | : | |
| Attorney Docket No. 93193-804394 (000200USK1) | : | |

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 Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

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SEP 22 2010

OFFICE OF PETITIONS

CATCH MEDIA/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of :
Yaacov Ben-Yaacov, et al. :
Application No. 12/495,766 : DECISION ON PETITION
Filed: June 30, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 6995P001X2XXX :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 22, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2193 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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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 |
|---|---|---|---|---|---|---|
| 12/495,766 | 06/30/2009 | 2193 | 4112 | 6995P001X2XXX | 46 | 10 |

**CONFIRMATION NO. 3332**

**CORRECTED FILING RECEIPT**

92129
Catch Media/BSTZ
Blakely Sokoloff Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

Date Mailed: 09/14/2010

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

**Applicant(s)**

Yaacov Ben-Yaacov, Douglasville, GA;
Boaz Ben-Yaacov, Doulgalsville, GA;
Abraham Lieberman, Modi'in, ISRAEL;

**Power of Attorney:** The patent practitioners associated with Customer Number 08791

**Domestic Priority data as claimed by applicant**

This application is a CIP of 11/607,163 12/01/2006
which is a CIP of 11/261,687 10/28/2005
which is a CIP of 10/893,473 07/16/2004
which is a CIP of 10/829,581 04/21/2004
which is a CIP of 10/336,443 01/02/2003 PAT 7,191,193

**Foreign Applications**

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

**If Required, Foreign Filing License Granted:** 07/10/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/495,766**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Content Provisioning and Revenue Disbursement

**Preliminary Class**

717

## 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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Michael Paulse
7950 French Street
Vancouver BC V6P 4V7 CA CANADA

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of :
Paulse :
Application No. 12/495,777 : ON PETITION
Filed: June 30, 2009 :
Attorney Docket No.

This is in response to the petition under 37 CFR 1.137(b) filed June 24, 2010, and in supplement on November 1, 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 Missing Parts of Non-Provisional Application mailed July 21, 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). A complete response was not received within the allowable period and the application became abandoned on February 22, 2010. A Notice of Abandonment was mailed on March 17, 2010.

The petition fee of $810.00 was paid twice. The amount of $810.00 will be refunded, in due course.

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

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. |
|---|---|---|---|---|
| 12/495,785 | 06/30/2009 | NAKAO AKUTSU | US22894 | 3363 |

7590 02/17/2011

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

| EXAMINER | |
|---|---|
| SANDVIK, BENJAMIN P | |
| **ART UNIT** | **PAPER NUMBER** |
| 2826 | |
| **NOTIFICATION DATE** | **DELIVERY MODE** |
| 02/17/2011 | ELECTRONIC |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

**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: 81186466 | Application Number (if known): 12/495,839 | Filing date: 2009-07-01 |
|---|---|---|
| First Named Inventor: ALIREZA PEZHMAN SHIRVANIAN | | |
| Title: CATALYST LAYERS HAVING THIN FILM MESH CATALYST (TFMC) SUPPORTED ON A MESH SUBSTRATE AND METHODS OF MAKING | | |

**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: Status Statement for Petition to Make Special

| Signature /Junqi Hang/ | Date 2011-03-07 |
|---|---|
| Name (Print/Typed) Junqi Hang | Registration Number 54,615 |

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

☒ *Total of 1 forms are submitted.

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

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

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# Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

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

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

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

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

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

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. |
|---|---|---|---|---|
| 12/495,839 | 07/01/2009 | Alireza Pezhman Shirvanian | 81186466 | 3472 |

28395 7590 03/28/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

| EXAMINER | |
|---|---|
| HODGE, ROBERT W | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1729 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/28/2011 | PAPER |

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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3/28/2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

| | | |
|---|---|---|
| In re Application of | : | |
| Shirvanian et al. | : | DECISION ON PETITION |
| Application No. 12/495,839 | : | TO MAKE SPECIAL UNDER |
| Filed: 7/1/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **81186466** | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 3/7/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1729 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAIER & MAIER, PLLC**
**1000 DUKE STREET**
**ALEXANDRIA VA 22314**

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Yeo (Joseph) B. Lee :
Application No. 12/495,929 : DECISION ON PETITION
Filed: July 1, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. K&L-003-US : 37 CFR 1.102(c)(1)
:

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 by an attorney on behalf of inventor Yeo (Joseph) B. Lee, attesting to his/her age. The above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3723 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/495,961 | 07/01/2009 | Shigeru HIROSAWA | 09438 / LH | 3711 |

1933 7590 11/16/2010

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

| EXAMINER | |
|---|---|
| EPPS, GEORGIA Y | |
| ART UNIT | PAPER NUMBER |
| 2878 | |
| MAIL DATE | DELIVERY MODE |
| 11/16/2010 | PAPER |

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

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

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

**In re Application of**
HIROSAWA **et al.**
**Application No.: 12/495,961**
**Filed: 01 July 2009**
**Attorney Docket No.: 09438 / LH**
**For: PROJECTOR WITH HEAT RADIATING CONSTRUCTION**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 October 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;

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

Conditions (1-5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (6).

Regarding the requirement of condition (6), applicant failed to submit an IDS listing all the documents cited by the JPO examiner in the JPO office action and provide copies thereof. Specifically, applicant failed to cite JP2007-004103 A, JP 2008-026723 A, JP 2007-114372 A, JP 2004-264388A, JP 2006-330382A, JP2006-259027A, and JP2006-098734A.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/495,961 | 07/01/2009 | Shigeru HIROSAWA | 09438 / LH | 3711 |

1933 7590 12/14/2010

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

| EXAMINER | |
|---|---|
| EPPS, GEORGIA Y | |
| **ART UNIT** | **PAPER NUMBER** |
| 2878 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/14/2010 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**HOLTZ, HOLTZ, GOODMAN & CHICK PC**
**220 Fifth Avenue**
**16TH Floor**
**NEW YORK NY 10001-7708**

**In re Application of**
**HIROSAWA et al.**
**Application No.: 12/495,961**
**Filed: 01 July 2009**
**Attorney Docket No.: 09438 / LH**
**For: PROJECTOR WITH HEAT RADIATING CONSTRUCTION**

**: DECISION ON REQUEST TO**
**: PARTICIPATE IN THE PATENT**
**: PROSECUTION HIGHWAY**
**: PROGRAM AND PETITION**
**: TO MAKE SPECIAL UNDER**
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 October 2010 and renewed on 19 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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**CANTOR COLBURN LLP – SABIC (NORYL)**
**20 CHURCH STREET**
**22ND FLOOR**
**HARTFORD CT 06103**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Alvaro Carillo et al | : | |
| Application No. 12/495,980 | : | DECISION GRANTING PETITION |
| Filed: July 1, 2009 | : | UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. 09NOR0005-US-NP | : | |

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 14, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/496,018 | 07/01/2009 | Gen Minemura | 090765 | 3827 |

7590 02/18/2011

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

| EXAMINER | |
|---|---|
| BRYANT, DAVID P | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3726 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 02/18/2011 | ELECTRONIC |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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United States Patent and Trademark Office
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Paper No.

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DEC 02 2011

OFFICE OF PETITIONS

CADWALADER, WICKERSHAM & TAFT LLP
ONE WORLD FINANCIAL CENTER
NEW YORK NY 10281

| | | |
|---|---|---|
| In re Patent No. 8,049,088 | : | DECISION ON REQUEST FOR |
| Richter | : | RECONSIDERATION OF |
| Issue Date: November 1, 2011 | : | PATENT TERM ADJUSTMENT |
| Application No. 12/496,173 | : | and |
| Filed: July 1, 2011 | : | NOTICE OF INTENT TO ISSUE |
| Atty Docket No.: 92110.006US2 | : | CERTIFICATE OF CORRECTION |
| Title: MUSICAL INSTRUMENT STRING | : | |

This is a decision on the petition filed on November 15, 2011 pursuant to 37 C.F.R. § 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be changed from eighty-six (86) days to one hundred and sixty-eight (168) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one hundred and sixty-eight (168) days is **GRANTED.**

On November 1, 2011, the above-identified application matured into US Patent No. 8,049,088 with a patent term adjustment of 86 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Patentee has indicated that this patent is not subject to a terminal disclaimer.[1]

[1] Petition, page 4.

Patentee disputes the period of reduction of 82 days for the filing of a supplemental Information Disclosure Statement (IDS) on August 12, 2011.

Pursuant to 37 CFR 1.704(c)(10), the submission of an amendment or other paper after a notice of allowance has been mailed is a failure to engage in reasonable efforts to conclude prosecution. A notice of allowance was mailed on July 15, 2011. A supplemental IDS was filed on August 12, 2011, and the patent issued 81 days later on November 1, 2011. This warrants a reduction of 82 days pursuant to 37 C.F.R. § 1.704(c)(10), as the date on which the supplemental response was filed is included in the period of delay.

Patentee argues this reduction was improper, as the submission of August 12, 2011 contains the language set forth in 37 C.F.R. § 1.704(d), which sets forth, *in toto*:

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

Patentee's argument has been considered and it has been deemed to be persuasive: the relevant language can be found on the third page of the transmittal letter that was submitted contemporaneously with the supplemental IDS of August 12, 2011. Accordingly, the associated reduction of 82 days for the filing of the supplemental IDS on August 12, 2011, is not warranted.

It follows that the Office agrees that the patent term adjustment totals 168 (172 examination delay plus zero B delay minus zero overlap minus four applicant delay) days.

The patent is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-

identified patent is extended or adjusted by **one hundred and sixty-eight (168) days.**
Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

# CERTIFICATE OF CORRECTION

PATENT : 8,049,088 B2

DATED : **November 1, 2011** **DRAFT**

INVENTOR(S) : **Richter**

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 86 days

Delete the phrase "by 86 days" and insert – by 168 days --

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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**STEINE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**
**1100 NEW YORK AVENUE, N.W.**
**WASHINGTON DC 20005**

MAILED

OCT 17 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| SAWYER, et al | : | |
| Application No. 12/496,188 | : | DECISION ON PETITION |
| Filed: July 1, 2009 | : | TO WITHDRAW |
| Attorney Docket No. 2059.0020001/JMC/L-Z | : | FROM RECORD |
| | : | |

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed September 29, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that John M. Covert does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

In reference to the Change of Address, please see 37 CFR 1.33(2)(b).

Telephone inquires 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
Alexandria, VA 22313-1450
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Winstead PC (FCC-FKI)
Henry L. Ehrlich
P.O. Box 131851
Dallas TX 75313

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
Webre et al. :
Application No. 12/496,205 : DECISION ON PETITION
Filed: July 1, 2009 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 21939-P015US :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 31, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment and 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.

37 CFR § 1.78(a)(6) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being

construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

***The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.***

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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 3672 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.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

**ATTACHMENT**: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|---|---|---|---|---|---|---|
| 12/496,205 | 07/01/2009 | 3672 | 2250 | 21939-P015US | 20 | 6 |

**CONFIRMATION NO. 4140**

**CORRECTED FILING RECEIPT**

75548
Winstead PC (FCC-FKI)
Henry L. Ehrlich
P.O. Box 131851
Dallas, TX 75313

Date Mailed: 02/21/2012

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)**

Charles Michael Webre, Lafayette, LA;
Brennan S. Domec, Lafayette, LA;
Vernon J. Bouligny JR., Lafayette, LA;

**Assignment For Published Patent Application**

Frank's Casing Crew & Rental Tools, Inc., Lafayette, LA

**Power of Attorney:** The patent practitioners associated with Customer Number 75548

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/077,210 07/01/2008

**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:** 07/13/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/496,205**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Method and Apparatus for Making Up and Breaking Out Threaded Tubular Connections

**Preliminary Class**

166

## 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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624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

MAILED
DEC 13 2010
OFFICE OF PETITIONS

Applicants: Jan Bergman, et al.
Appl. No.: 12/496,261
Filing Date: July 1, 2009
Title: Alkyl Substituted Indoloquinozalines
Attorney Docket: BERGMAN=6B
Pub. No.: US 2010/0009999 A1
Pub. Date: January 14, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 25, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error in that the incorrect set of claims was published.

The request for corrected publication is granted.

The claims filed with the substitute specification by Applicant's represenetative did not comply with 37 CFR 1.121. In accordance with 37 CFR 1.215, the claims submitted by Applicant's representative with the substitute specification should have been published. The claims that applicant improperly submitted and that the Office improperly entered as an amendment and were published have been relabeled as a miscellaneous letter.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers, Marked up Relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

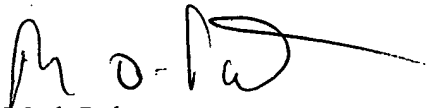
To make a benefit/priority claim, 37 CFR 1.78 in summary requires that the benefit claim to an earlier filed application be contained in the first sentence of the application or be submitted in an

amendment or application data sheet within the required time frame within the later of **four months from the actual filing date** or the date on which the national stage commenced, **or sixteen months from the filing date of the prior-filed application.** According to 37 CFR 1.55, the priority claim must identify the foreign application and filing date, within the required time frame within the later of four months from the actual filing date or the date on which the national stage commenced, or sixteen months from the filing date of the prior-filed application. Since a proper benefit claim to an earlier filed application was not made within the required time period, the benefit has been waived.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. A petition pursuant to 37 CFR 1.55 or 37 CFR 1.78 must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

It is noted that Applicant made a benefit claim to a provisional application, which was filed more than a year before the filing date of the instant application. A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Although an application that itself directly claims the benefit of a provisional application is not required to specify the relationship to the provisional application, if the instant nonprovisional application is not filed within the 12 month period, but claims the benefit of an intermediate nonprovisional application under 35 U.S.C. 120 that was filed within 12 months from the filing date of the provisional application and claimed the benefit of the provisional application, the intermediate application must be clearly identified as claiming the benefit of the provisional application so that the Office can determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application and thus, whether the claim is proper. If a benefit claim to a provisional application is submitted without an indication that an intermediate application directly claims the benefit of the provisional application and the instant nonprovisional application is not filed within the 12 month period or the relationship between each nonprovisional application is not indicated, the Office will not recognize such benefit claim and will not include the benefit claim on the filing receipt. Therefore, a petition under 37 CFR 1.78(a) and the surcharge set forth in 37 CFR 1.17(t) will be required if the intermediate application and the relationship of each nonprovisional application are not indicated within the period set forth in 37 CFR 1.78(a).

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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**PLAGER LAW OFFICES**
**16152 BEACG BLVD.**
**SUITE 207**
**HUNTINGTON BEACH CA 92647**

**MAILED**

NOV 21 2011

**OFFICE OF PETITIONS**

In re Application of :
MCKINNEY, et al :
Application No. 12/496,269 : DECISION ON PETITION
Filed: July 1, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. TROVER.001NP : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 4, 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 doctor's certificate or other medical certificate, showing that the **state of health of the applicant is such that he 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).

Further correspondence with respect to this matter should be addressed as follows:

| | |
|---|---|
| By Mail: | Mail Stop PETITION<br>Commissioner for Patents<br>P. O. Box 1450<br>Alexandria, VA 22313-1450 |
| By hand: | U. S. Patent and Trademark Office<br>Customer Service Window, Mail Stop Petitions<br>Randolph Building<br>401 Dulany Street<br>Alexandria, VA 22314 |
| By FAX: | (571) 273-8300 |

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) 272-3600.

This application is being referred back to the Technology Center Art Unit 3637 for processing in its regular turn.

/Diane Goodwyn/
Diane 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
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/496,375 | 07/01/2009 | Masahiro TOIDA | 0879-1139PUS1 | 4416 |

7590 03/23/2011

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

| EXAMINER | |
|---|---|
| CASLER, BRIAN L | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3737 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 03/23/2011 | 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 07 2010

**OFFICE OF PETITIONS**

**RONALD I. EISENSTEIN**
**100 SUMMER STREET**
**NIXON PEABODY LLP**
**BOSTON MA 02110**

| | | |
|---|---|---|
| In re Application of | : | |
| Charles P. Cantor, et al. | : | |
| Application No. 12/496,390 | : | DECISION ON PETITION |
| Filed: July 1, 2009 | : | |
| Attorney Docket No. 701586-054986-C | : | |

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 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 September 4, 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 5, 2009. The Notice of Abandonment was mailed July 20, 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 declaration, $65 surcharge, a separate part of the disclose on paper copy, a "Sequence Listing" and a copy of the "Sequence Listing" in a computer readable form, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175 extension of time fee submitted with the petition on August 5, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to 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
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 2 1 2010

OFFICE OF PETITIONS

**Blairtech Solution LLC**
**1039 Merritt Terrace**
**Sunnyvale CA 94086**

In re Application of :
John B. Groe et al. :
Application No. 12/496,419 : DECISION ON PETITION
Filed: July 1, 2009 :
Attorney Docket No. SECO-050/01US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed July 20, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 21, 2009. A Notice of Abandonment was mailed March 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration, an examination fee of $110, a search fee of $270, a basic filing fee of $82, and a surcharge fee of $65 (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees and oath and declaration are accepted as being unintentionally delayed.

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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175 extension of time fee submitted with the petition on August 31, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received August 31, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

| | |
|---|---|
| **Doc Code: PET.AUTO**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12496423 |
| Filing Date | 01-Jul-2009 |
| First Named Inventor | Robert Eubank |
| Art Unit | 4189 |
| Examiner Name | NIYATI SHAH |
| Attorney Docket Number | 20080160 |
| Title | Automatic Flossing Device |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 78277

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

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 | Robert Eubank |
| Address | 1168 Landon |
| City | Allen |
| State | TX |
| Postal Code | 75013 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /Jerod E Tufte/ |
| Name | Jerod E Tufte |
| Registration Number | 60646 |

UNITED STATES 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 19,2011

In re Application of :

Robert Eubank

Application No : 12496423

Filed : 01-Jul-2009

Attorney Docket No : 20080160

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 April 19,2011

The request is **APPROVED.**

The request was signed by Jerod E Tufte (registration no. 60646 ) on behalf of all attorneys/agents associated with Customer Number 78277 . All attorneys/agents associated with Cusotmer Number 78277 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 Robert Eubank

Name2

Address 1 1168 Landon

Address 2

City Allen

State TX

Postal Code 75013

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: 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: | 12/496,446 | Filing date: | July 1, 2009 |
| First Named Inventor: | Joshua Benjamin, et al. | | |
| Title of the Invention: | CATHETER SYSTEM AND METHODS OF USING SAME | | |

**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/US2009/049316

**The international filing date of the corresponding PCT application(s) is/are:** June 30, 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.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/496,446 |
| First Named Inventor: | Joshua Benjamin |

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 December 30, 2010 and April 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 December 30, 2010 and April 14, 2011

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 19 | 19 | US independent Claim 19 recites all of the limitations of PCT independent Claim 19. |
| 20 | 20 | US Claim 20 recites all of the limitations of PCT Claim 20. |
| 21 | 21 | US Claim 21 recites all of the limitations of PCT Claim 21. Claim 21 has been amended to depend from Claim 20. |
| 22 | 22 | US Claim 22 recites all of the limitations of PCT Claim 22. |
| 23 | 23 | US Claim 23 recites all of the limitations of PCT Claim 23. |
| 24 | 19 | US Claim 24 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 25 | 19 | US Claim 25 depends indirectly from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 26 | 19 | US Claim 26 depends indirectly from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 27 | 19 | US Claim 27 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 28 | 19 | US Claim 28 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 29 | 19 | US Claim 29 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 30 | 19 | US Claim 30 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 31 | 19 | US Claim 31 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 32 | 19 | US Claim 32 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 33 | 19 | US Claim 33 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 34 | 19 | US Claim 34 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 35 | 19 | US Claim 35 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| (continued on next page) | | |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

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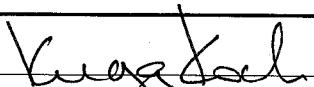
|---|---|
| Signature  | Date April 22, 2011 |
| Name (Print/Typed) Kregg A. Koch | Registration Number 63,035 |

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 36 | 19 | US Claim 36 recites all of the limitations of PCT Claim 19. US Claim 36 also recites one or more limitations not in PCT Claim 19. |
| 37 | 19, 22 | US Claim 37 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 37 recites one or more limitations not in PCT Claim 19, but similar in scope to PCT Claim 22. |
| 38 | 19 | US Claim 38 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 38 recites one or more additional limitations not in PCT Claim 19. |
| 39 | 19 | US Claim 39 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 39 recites one or more additional limitations not in PCT Claim 19. |
| 40 | 19 | US Claim 40 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 40 recites one or more additional limitations not in PCT Claim 19. |
| 41 | 19 | US Claim 41 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 41 recites one or more additional limitations not in PCT Claim 19. |
| 42 | 19 | US Claim 42 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 42 recites one or more additional limitations not in PCT Claim 19. |
| 43 | 19 | US Claim 43 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 43 recites one or more additional limitations not in PCT Claim 19. |
| 44 | 19 | US Claim 44 recites all of the limitations of PCT Claim 19. US Claim 44 also recites one or more additional limitations not in PCT Claim 19, but which are similar to one or more limitations of PCT Claim 22. |
| 45 | 19 | US Claim 45 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 45 recites one or more limitations not in PCT Claim 19. |
| 46 | 19 | US Claim 46 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 46 recites one or more additional limitations not in PCT Claim 19. |
| 47 | 19 | US Claim 47 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 47 recites one or more additional limitations not in PCT Claim 19. |
| 48 | 19 | US Claim 48 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 48 recites one or more additional limitations not in PCT Claim 19. |
| 49 | 19 | US Claim 49 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 49 recites one or more additional limitations not in PCT Claim 19. |
| 50 | 19 | US Claim 50 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 50 recites one or more additional limitations not in PCT Claim 19. |

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/496,446 | 07/01/2009 | Joshua Benjamin | ENDOLOG.100A | 4557 |

20995 7590 04/27/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 3734 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 04/27/2011 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

| | |
|---|---|
| In re Application of | : |
| BENJAMIN, JOSHUA et al | : DECISION ON REQUEST TO |
| Application No. 12/496,446 | : PARTICIPATE IN PATENT |
| Filed: July 1, 2009 | : PROSECUTION HIGHWAY |
| Attorney Docket No. ENDOLOG.100A | : PILOT PROGRAM AND PETITION |
| FOR: CATHETER SYSTEM AND METHODS OF USING SAME | : 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 Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #3 and #5 above.

With regard to Items #3 and #5, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 19-50 as filed on April 14, 2011 which are not sufficiently corresponding to allowable claims 19-23 of PCT search report and search opinion of EPO Examiner Patricia Jameson. A list of PCT allowed claims 19-23 does not correspond to the US claims 19-50. In particular, the dependent method claims 24-26 will not be treated as dependent claims (MPEP 1850) in US practice. The added apparatus claims 36-50 have a totally different scope of those PCT allowed claims 19-23. It is suggested that the applicant to write those newly added claims 36-50 in dependent form. Items #3 and #5 are not satisfied and for this reason the petition can not be granted. In order to grant the PPH petition to make special, the applicant must cancel dependent method claims 24-26 and apparatus claims 36-50. In the alternative, the applicant must cancel dependent method claims 24-26 and place apparatus claims 36-50 in dependent form to directly or indirectly dependent from the allowable PCT claim 19 as claims 27-35.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application with claims as filed on 4/14/11 will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

| | | | |
|---|---|---|---|
| Application No: | 12/496,446 | Filing date: | July 1, 2009 |
| First Named Inventor: | Joshua Benjamin, et al. | | |
| Title of the Invention: | CATHETER SYSTEM AND METHODS OF USING SAME | | |

**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/US2009/049316

**The international filing date of the corresponding PCT application(s) is/are:** June 30, 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).**

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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.

PTO/SB/20PCT-EP (05-10)
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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 EPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/496,446 |
| First Named Inventor: | Joshua Benjamin |

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 December 30, 2010 and April 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 December 30, 2010 and April 14, 2011

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 19 | 19 | US independent Claim 19 recites all of the limitations of PCT independent Claim 19. |
| 20 | 20 | US Claim 20 recites all of the limitations of PCT Claim 20. |
| 21 | 21 | US Claim 21 recites all of the limitations of PCT Claim 21. |
| 22 | 22 | US Claim 22 recites all of the limitations of PCT Claim 22. |
| 23 | 23 | US Claim 23 recites all of the limitations of PCT Claim 23. |
| 27 | 19 | US Claim 27 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 28 | 19 | US Claim 28 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 29 | 19 | US Claim 29 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
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| 31 | 19 | US Claim 31 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 32 | 19 | US Claim 32 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 33 | 19 | US Claim 33 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 34 | 19 | US Claim 34 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 35 | 19 | US Claim 35 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| (continued on next page) | | |
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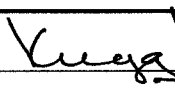
**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature  | Date May 25, 2011 |
| Name (Print/Typed) Kregg A. Koch | Registration Number 63,035 |

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 36 | 19 | US Claim 36 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 37 | 19, 22 | US Claim 37 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 37 recites one or more limitations not in PCT Claim 19, but similar in scope to PCT Claim 22. |
| 38 | 19 | US Claim 38 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 38 recites one or more additional limitations not in PCT Claim 19. |
| 39 | 19 | US Claim 39 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 39 recites one or more additional limitations not in PCT Claim 19. |
| 40 | 19 | US Claim 40 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 40 recites one or more additional limitations not in PCT Claim 19. |
| 41 | 19 | US Claim 41 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 41 recites one or more additional limitations not in PCT Claim 19. |
| 42 | 19 | US Claim 42 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 42 recites one or more additional limitations not in PCT Claim 19. |
| 43 | 19 | US Claim 43 depends from US Claim 36 and therefore corresponds to PCT Claim 19. US Claim 43 recites one or more additional limitations not in PCT Claim 19. |
| 44 | 19 | US Claim 44 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 45 | 19 | US Claim 45 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 45 recites one or more limitations not in PCT Claim 19. |
| 46 | 19 | US Claim 46 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 46 recites one or more additional limitations not in PCT Claim 19. |
| 47 | 19 | US Claim 47 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 47 recites one or more additional limitations not in PCT Claim 19. |
| 48 | 19 | US Claim 48 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 48 recites one or more additional limitations not in PCT Claim 19. |
| 49 | 19 | US Claim 49 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 49 recites one or more additional limitations not in PCT Claim 19. |
| 50 | 19 | US Claim 50 depends from US Claim 44 and therefore corresponds to PCT Claim 19. US Claim 50 recites one or more additional limitations not in PCT Claim 19. |
| 51 | 19 | US Claim 51 depends from US Claim 19, reciting one or more limitations not in US or PCT Claim 19. |
| 52 | 19 | US Claim 52 depends from US Claim 51 and therefore corresponds to PCT Claim 19. |
| 53 | 19 | US Claim 53 depends from US Claim 51 and therefore corresponds to PCT Claim 19. |

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. |
|---|---|---|---|---|
| 12/496,446 | 07/01/2009 | Joshua Benjamin | ENDOLOG.100A | 4557 |

20995 7590 05/27/2011

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 3734 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 05/27/2011 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

| | |
|---|---|
| In re Application of | : |
| BENJAMIN, JOSHUA et al | : DECISION ON REQUEST TO |
| Application No. 12/496,446 | : PARTICIPATE IN PATENT |
| Filed: July 1, 2009 | : PROSECUTION HIGHWAY |
| Attorney Docket No. ENDOLOG.100A | : PILOT PROGRAM AND PETITION |
| FOR: CATHETER SYSTEM AND METHODS OF USING SAME | : TO MAKE SPECIAL UNDER 37 CFR 1.102(a) |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 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 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.

Other inquiries concerning the examination or status of the application should be directed to Gary Jackson, the SPE of Art Unit 3734 at 571-272-4697 for Class 623/001 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

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. |
|---|---|---|---|---|
| 12/496,498 | 07/01/2009 | Daitarou Furuta | 5251-060-US01 | 4656 |

79184 7590 10/01/2010

HANIFY & KING PROFESSIONAL CORPORATION
1055 Thomas Jefferson Street, NW
Suite 400
WASHINGTON, DC 20007

| EXAMINER | |
|---|---|
| YAO, KWANG BIN | |
| ART UNIT | PAPER NUMBER |
| 2473 | |
| 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HANIFY & KING PROFESSIONAL CORPORATION
1055 Thomas Jefferson Street, NW
Suite 400
WASHINGTON DC 20007

Applicant: Furuta
Appl. No.: 12/496,498
Filing Date: July 1, 2009
Title: WIRELESS COMMUNICATIONS CONTROL METHOD, WIRELESS BASE STATION, AND WIRELESS TERMINAL
Attorney Docket No.: 5251-060-US01
Pub. No.: US 2009/0262687 A1
Pub. Date: October 22, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 27, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 10/01/2010 KKING1
09/28/2010 INTEFSW 00004256 504545 12496498
01 FC:1504 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date January 30, 2012

In re Application of Curtis Campbell

Application No. 12496510

Filed: 01-Jul-2009

Attorney Docket No. T-7653

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), January 30, 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

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/64<br>U.S. Patent and Trademark Office<br>Department of Commerce |
|---|---|

| | |
|---|---|
| Electronic Petition Request | **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)** |
| Application Number | 12496510 |
| Filing Date | 01-Jul-2009 |
| First Named Inventor | Curtis Campbell |
| Attorney Docket Number | T-7653 |
| Title | LOW TEMPERATURE PERFORMANCE LUBRICATING OIL DETERGENTS AND METHOD OF MA |

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 01-30-2012
- ○ 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 | /JOSETTA I. JONES/ |
| Name | Josetta I. Jones |
| Registration Number | 51368 |

UNITED STATES 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 OFFICES OF RITA C. CHIPPERSON, P.C.**
**55 MADISON AVE, SUITE 400**
**MORRISTOWN NJ 07960**

MAILED

OCT 15 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Lazar et al. | : | |
| Application No. 12/496,521 | : | ON PETITION |
| Filed: September 18, 2009 | : | |
| Attorney Docket No. LL0005.002 | : | |

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Substitute Specification and Replacement Claims, (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.

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

In re Application of
Terry L. Zahuranec

Application No. 12496541

Filed: July 1,2009

Attorney Docket No. GRFDP109USA

:
:
: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 23-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 24, 2012

In re Application of :

Jonathon Baugh

Application No : 12496583

Filed : 01-Jul-2009

Attorney Docket No : DRM29JUN09np

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 24, 2012

The request is **APPROVED.**

The request was signed by STANLEY EMIL JELIC (registration no. 61394 ) on behalf of all attorneys/agents associated with Customer Number 79317 . All attorneys/agents associated with Cusotmer Number 79317 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 | Jonathan Baugh |
| Name2 | |
| Address 1 | 702 Dwight Street |
| Address 2 | |
| City | Ypsilanti |
| State | MI |
| Postal Code | 48198 |
| 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**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12496583 |
| Filing Date | 01-Jul-2009 |
| First Named Inventor | Jonathon Baugh |
| Art Unit | 3686 |
| Examiner Name | EDWARD WINSTON III |
| Attorney Docket Number | DRM29JUN09np |
| Title | Electronic Medical Record System For Dermatology |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 79317

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 | Jonathan Baugh |
| Address | 702 Dwight Street |
| City | Ypsilanti |
| State | MI |
| Postal Code | 48198 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /STANLEY EMIL JELIC/ |
| Name | STANLEY EMIL JELIC |
| Registration Number | 61394 |

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
GLENDALE CA 91209-9001

MAILED
FEB 02 2012
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | DECISION |
| Chul-Hong Kim | : | ON PETITION |
| Application No. 12/496,587 | : | |
| Filed: July 1, 2009 | : | |
| Attorney Docket Number: 62449/L550 | : | |

This is in response to the petition under 37 CFR 1.84(a)(2), filed July 1, 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 a color drawing for Figure 6 is not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2889.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

**DATE** : February 11, 2012

**TO SPE OF** : ART UNIT 1654

**SUBJECT** : Request for Certificate of Correction for Appl. No.: ~~11/496,595~~ 12/496,595 Patent No.: 8063015

CofC mailroom date: Jan. 23, 2012

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**
**Randolph Square – 9D10-A**
**Palm Location 7580**

**Note:** _____

_____

_____

**Certificates of Correction Branch**

**703-756-1814** _____

**Thank You For Your Assistance**

---

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

**Comments:** _____

_____

_____

_____

_____

Carlos Tse SPE, Art Unit 1654

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

D. Kligler I.P. Services LTD
P.O. Box 25
Zippori 17910
ISRAEL

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of :
Gat et al. :
Application No. 12/496,664 : DECISION ON PETITION
Filed: July 2, 2009 : UNDER 37 CFR 1.182
Attorney Docket No. 1021-1008.1 :

This is a decision on the petition under 37 CFR 1.181, filed July 29, 2010. This petition is properly treated as a petition under 37 CFR 1.182, requesting entry of an amendment to the specification to delete reference to earlier-filed applications pursuant to the provisions of 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications. Receipt of the $400 fee for consideration of the petition under 1.182 is acknowledged.

For the reasons stated herein, the petition is **DISMISSED**.

The above-noted application made specific reference to the prior-filed applications; namely, 10/925,937, filed August 26, 2004, and 11/320,805, filed December 30, 2005, prior to abandonment. Petitioner now requests that the abandoned application be amended by deleting reference to the earlier-filed applications.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. *See* Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (DC DC 1976). In a pending application, no petition is necessary to delete a benefit claim. However, for entry of a subsequent amendment to an abandoned

application to delete priority claims, a petition under 37 CFR 1.182 is required.

However, this petition is not accompanied by an amendment to delete reference to the prior-filed applications in the first line of the specification following the title of the invention. The "amendment" appears only in the petition. It is not proper to incorporate an amendment into the petition. It is well established that an amendment (in compliance with §1.121) must be filed in a separate paper.

It is noted that at the time of filing of the instant petition this application was not abandoned. By letter dated August 2, 2010, applicant was advised that the express abandonment filed July 29, 2010 was not entered as it was not timely filed. Nonetheless, the instant application did later become abandoned for failure to file a response to the Office action mailed March 9, 2010. As no amendment was filed with this petition then entry of a subsequent amendment in a pending application to delete the benefit claims without need for a petition could not be earlier entered.

In view thereof, at this time, the request for entry of an amendment to delete reference to the above-noted, earlier-filed applications 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 FAX: (571) 273-8300
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related 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
www.uspto.gov

**RUSS FIEBIG**
**4915 HUNTING HILLS COURT**
**ROANOKE, VA 24018**

**MAILED**

MAY 09 2011

**OFFICE OF PETITIONS**

In re Application of :
**Matteo CHIESA**, et *al.* :
Application No. 12/496,693 : DECISION ON PETITION TO
Filed: July 2, 2009 : WITHDRAW FROM RECORD
Attorney Docket No. **8834.01** :

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 23, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Russell Fiebig, the sole attorney of record. Russ Fiebig has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the first copied 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: **MATTEO CHIESA**
**MASDAR INSTITUTE**
**P.O. BOX 54224**
**ABU DHABI, AE**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
James H. Alexander et al :
Application No. 12/496,738 : DECISION ON PETITION
Filed: July 2, 2009 : TO WITHDRAW
Attorney Docket No. P27988-US1 : 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 January 26, 2011.

The request is **APPROVED**.

A review of the file record indicates that Karl H. Koster: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Karl H. Koster has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Karl H. Koster
Alston & Bird LLP
Bank of America Plaza
101 S. Tryon St., Suite 4000
Charlotte, NC 28280-4000

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**COCHRAN FREUND & YOUNG LLC**
**2026 CARIBOU DR**
**SUITE 201**
**FORT COLLINS, CO 80525**

**MAILED**

**JAN 18 2011**

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Estes et al. | : | |
| Application No. 12/496,792 | : | DECISION ON PETITION |
| Filed: July 2, 2009 | : | |
| Attorney Docket No. L&TR.01USC1 | : | |

This is a decision on the petition under 37 CFR 1.137(b), filed December 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 22, 2010, as required by the Notice of Allowance and Fee(s) Due mailed August 20, 2010. Accordingly, the application became abandoned on December 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (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)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

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 E. Weber**
**1908 Country Club Road**
**Hendersonville NC 28739**

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of :
Charles Edward Weber :
Application No. 12/496,809 : DECISION ON PETITION
Filed: August 6, 2009 : TO MAKE SPECIAL UNDER
: 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring 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 3633 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

| | | | |
|---|---|---|---|
| Application No: | 12496858 | Filing date: | 2009-07-02 |
| First Named Inventor: | Tom Farrell | | |
| Title of the Invention: | Flame Detection and Suppression System Using A Thermoelectric Generator | | |

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML**

**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/US2009/049488

**The international filing date of the corresponding PCT application(s) is/are:**
2009-07-02

**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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12496858 |
| First Named Inventor: | Tom Farrell |

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 |
|---|---|---|
| 1-28 | 1-28 | All US claims identical to the PCT claims |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /Gregory J. Skoch/ | Date 2011-08-23 |
| Name (Print/Typed) Gregory J. Skoch | Registration Number 48267 |

# 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. |
|---|---|---|---|---|
| 12/496,858 | 07/02/2009 | Tom Farrell | 39208 | 5302 |

23589 7590 11/15/2011

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

| EXAMINER | |
|---|---|
| HOFSASS, JEFFERY A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2612 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/15/2011 | 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

**Hovey Williams LLP**
**10801 Mastin Blvd., Suite 1000**
**Overland Park KS 66210**

**In re Application of**
**Tom FARRELL**
**Application No.: 12/496,858**
**Filed: 02 July 2009**
**Attorney Docket No.: 39208**
**For: FLAME DETECTION AND SUPPRESSION SYSTEM USING A THERMOELECTRIC GENERATOR**

**: DECISION ON REQUEST TO**
**: PARTICIPATE IN THE PATENT**
**: PROSECUTION HIGHWAY**
**: PROGRAM AND PETITION**
**: TO MAKE SPECIAL UNDER**
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 23 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

## Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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

INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED

SEP 30 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| GUNNARSSON, BARBERO, MAGNUSSON | : | DECISION ACCORDING STATUS |
| and VENNETTILLI | : | UNDER 37 CFR 1.47(a) |
| Application No. 12/496,901 | : | |
| Filed: 07/02/2009 | : | |
| Title: CONTROL METHOD AND SYSTEM | : | |
| FOR A FLUID CONTROL DEVICE, BASED | : | |
| ON POSITION SENSOR LEARNING | : | |

This is in response to the renewed petition under 37 CFR 1.47(a) filed August 5, 2010.

The petition under 37 CFR 1.47(a) is **granted**.

Applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor refused to join in the application.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center Art Unit 2121 for examination in due course.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Nando Vennettilli
Via Lauro Rossi 36/12
10155 Turin, Italy

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
GUNNARSSON, BARBERO, MAGNUSSON :
and VENNETTILLI : LETTER
Application No. 12/496,901 :
Filed: 07/02/2009 :
Title: CONTROL METHOD AND SYSTEM :
FOR A FLUID CONTROL DEVICE, BASED :
ON POSITION SENSOR LEARNING :

Dear Mr. Vennettilli:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor. As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. Requests for information regarding your application should be directed to the File Information Unit at 571- 272-3150. Information regarding how to pay for and order a copy of the application or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/S/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

UNITED STATES 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

OCT 13 2010

OFFICE OF PETITIONS

**SCHWEGMAN, LUNDBERG & WOESSNER, P.A.**
**P.O. BOX 2938**
**MINNEAPOLIS MN 55402**

In re Application:
Robert Hendel et al.
Application No. 12/496,949
Filed: July 2, 2009
Attorney Docket No. 1036.108US1

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 27, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the Technology Center 1618.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTERMAN, HATTORI,
DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Handa, et al. :
Application No. 12/497,028 : DECISION
Filed/Deposited: 2 July, 2009 :
Attorney Docket No. 4459-285 :

This is a decision on the petition filed on 15 September, 2009, seeking to have accorded a filing date of 2 July, for the above-identified application, and more properly considered under 37 C.F.R. §1.57(a), based on the inadvertently omitted drawings averred to have been present in the prior-filed foreign application to which this application claimed benefit on filing under 37 C.F.R. §1.55.

For the reasons stated herein, the petition is **GRANTED**.

Application papers in the above-identified application were deposited on 2 July.

On 15 July, 2009, the Office mailed a Notice of Incomplete Nonprovisional Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without at least one claim as required under 35 U.S.C. §112.

Thus, the application was not granted a filing date.

In response, on 15 September, Petitioner filed, *inter alia*, a petition, with:

- petition fee authorization;
- a petition averring incorporation by reference of Japan Application No. 2008-176252 filed on 4 July, 2008, and which is in a language other than English, to which priority is claimed; and
- a preliminary amendment, along with what is averred to be a true copy of:

—a translation, including a certification as to its accuracy, of Japan Application No. 2008-176252 (Reference No. H108116401), filed on 4 July, 2008; and

—a document in Japanese that does not bear the Japan Application No. 2008-176252 (filed on 4 July, 2008), but does bear the Reference No. H108116401, and which the Office is construing as the Japan Application No. 2008-176252 (filed on 4 July, 2008)—if this is incorrect, Petitioner must immediately Notice the Office in this regard—and which Japan application is averred to contain Claims 1-8 averred to have been incorporated by reference upon deposit of the instant application.

Consideration turns to the merits of the §1.57 petition.

The regulations at 37 C.F.R. §1.57 provide that:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under §1.55 for priority of a prior-filed foreign application, or a claim under §1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under §1.55 or §1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by §1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. §111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

***

> (3) If an application is not otherwise entitled to a filing date under §1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 C.F.R. §1.57(a) are applicable.

## ANALYSIS

Petitioner filed a petition on 15 September, 2009, with: fee, a copy of what is construed to be the foreign application (Japan Application No. 2008-176252 (Reference No. H108116401), filed on 4 July, 2008;) to which priority was claimed on deposit and the translation and the certification thereof, and which foreign application is in a language other than English. Therefore, based upon applicant's incorporation by reference of the contents of the previously filed foreign application on filing of the present application, a filing date of 2 July, 2009, may be accorded the present application. A preliminary amendment to add the inadvertently omitted material is required and appears to have been submitted with the petition.

## CONCLUSION

Accordingly, the petitions are **granted**.

This application is being forwarded to the Office of Patent Application Processing (OPAP) formerly Office of Initial Patent Examination (OIPE), for further processing, with the filing date of 2 July, 2009, using the application papers present on that date, and drawings/figure and preliminary amendment submitted on 15 September, 2009.

Any questions concerning this matter may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorf
Supervisory Petitions Examiner
Office of Petitions

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)
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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: | 12/497,097 | Filing date: | July 2, 2009 |
| First Named Inventor: | POLIDOR, Edward T. | | |
| Title of the Invention: | OPTICAL COMPARATOR WITH DIGITAL GAUGE | | |

**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/US2010/032871

**The international filing date of the corresponding PCT application(s) is/are:** April 29, 2010

**I. List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**



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.

PTO/SB/20PCT-KR (06-10)
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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.: | 12/497,097 |
| First Named Inventor: | POLIDOR, Edward T. |

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on January 11, 2011

**(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on January 11, 2011

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 1 | 1 | All 47 claims as originally filed in the US application correspond to |
| through | through | the like numbered claims deemed patentable in the corresponding |
| 47 | 47 | PCT application. |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /Thomas B. Ryan/ | Date February 25, 2011 |
| Name (Print/Typed) Thomas B. Ryan | Registration Number 31,659 |

# 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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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/497,097 | 07/02/2009 | Edward T. Polidor | 91604.000153 | 5758 |

23387 7590 03/23/2011

Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

| EXAMINER | |
|---|---|
| UNDERWOOD, JARREAS C | |
| **ART UNIT** | **PAPER NUMBER** |
| 2877 | |

| 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):

bsalai@hselaw.com
coffen@hselaw.com

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**Stephen B. Salai, Esq.**
**Harter Secrest & Emery LLP**
**1600 Bausch & Lomb Place**
**Rochester NY 14604-2711**

| | |
|---|---|
| **In re Application of** | |
| **POLIDOR et al.** | |
| **Application No.: 12/497,097** | **: DECISION ON REQUEST TO** |
| **Filed: 02 July 2009** | **: PARTICIPATE IN THE PATENT** |
| **Attorney Docket No.: 91604.000153** | **: PROSECUTION HIGHWAY** |
| **For: OPTICAL COMPARATOR WITH** | **: PROGRAM AND PETITION** |
| **DIGITAL GAGE** | **: TO MAKE SPECIAL UNDER** |
| | **: 37 CFR 1.102(a)** |

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 25 February 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) and (3-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claim(s) is/are not subject to the observation in Box VIII on the PCT/ISA/237.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| In re the application of: | |
| Edward T. Polidor et al | |
| US Application No.: 12/497,097 | Examiner: Jarreas C. Underwood |
| Confirmation No.: 5758 | |
| Filed: July 2, 2009 | Group Art Unit: 2877 |
| Attorney Docket No. 91604.000153 | |
| For: Optical Comparator With Digital Gauge | |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 7, 2011

REPLY TO OFFICE COMMUNICATION

for

Correction of Deficiencies in Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a).

Sir:

This responds to the Office Communication mailed March 23, 2011 containing a Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a). Applicants' request and petition were dismissed because one of the presented claims, claim 40, was subject to observation in Box VIII of the Written Opinion of the International Searching Authority.

Specifically, applicants' request to participate in the PCT Patent Prosecution Highway pilot program and the petition under 37 CFR 1.102(a) were dismissed because "applicant failed to identify and explain why claims(s) is/are not subject to the observation

in Box VIII on PCT/ISA/237." Only claim 40 was subject to such observation, and within the Preliminary Amendment accompanying this reply, claim 40 has been cancelled.

The Decision dismissing the request and petition indicated that all other requirements for participation were met, specifically the requirements set forth in paragraphs (1) and (3-6) of the Decision. With the cancellation of claim 40, all requirements for participation are believed to have been met.

By way of precaution, the Commissioner is authorized to charge any fees or fee amounts not otherwise authorized but necessary for the consideration of this paper or the continued pendency of this application to Deposit Account Number 03-3875 of Harter Secrest & Emery LLP.

* * *

Reconsideration of the Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a) is requested. If this reply or the preliminary amendment contains any deficiencies, the Examiner is requested to contact applicants' representative at the telephone number given below.

Respectfully submitted,

/ Thomas B. Ryan/

Thomas B. Ryan, Registration No. 31,659
Customer Number **23387**
HARTER SECREST & EMERY LLP
1600 Bausch & Lomb Place
Rochester, New York 14604
Telephone: 585-231-1101
Fax: 585-232-2152

UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/497,097 | 07/02/2009 | Edward T. Polidor | 91604.000153 | 5758 |

23387 7590 05/11/2011

Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

| EXAMINER | |
|---|---|
| UNDERWOOD, JARREAS C | |
| ART UNIT | PAPER NUMBER |
| 2877 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 05/11/2011 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

bsalai@hselaw.com
coffen@hselaw.com

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www.uspto.gov

**Stephen B. Salai, Esq.**
**Harter Secrest & Emery LLP**
**1600 Bausch & Lomb Place**
**Rochester NY 14604-2711**

| | |
|---|---|
| **In re Application of** | |
| **POLIDOR et al.** | **: DECISION ON REQUEST TO** |
| **Application No.: 12/497,097** | **: PARTICIPATE IN THE PATENT** |
| **Filed: 02 July 2009** | **: PROSECUTION HIGHWAY** |
| **Attorney Docket No.: 91604.000153** | **: PROGRAM AND PETITION** |
| **For: OPTICAL COMPARATOR WITH DIGITAL GAGE** | **: TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)** |

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 25 February 2011 and renewed 07 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/497,107 | 07/02/2009 | Rakesh Katragadda | ADM-10002/50 | 5778 |

25006 7590 06/03/2011

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

| EXAMINER | |
|---|---|
| PICARDAT, KEVIN M | |
| ART UNIT | PAPER NUMBER |
| 2822 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/03/2011 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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Kevin S MacKenzie
Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C.
P.O. Box 7021
Troy, MI 48007-7021

| | | |
|---|---|---|
| In re Application of: | : | |
| Katragadda et al. | : | PETITION FOR CORRECTION OF |
| Serial No.: 12/497107 | : | INVENTORSHIP |
| Filed: 02 July 2009 | : | UNDER 37 CFR § 1.48(b) |
| Attorney Docket No.: ADM-10002/50 | : | |

This is a decision on the petition filed 30 June 2010 to correct inventorship under 37 CFR 1.48 (b).

The petition is GRANTED.

In view of the papers filed 30 June 2010 it has been found that in this non-provisional application, the prosecution resulted in the amendment or cancellation of claims so that fewer than all of the currently named inventors are actual inventors of the invention being claimed in the non-provisional application. The application has been corrected in compliance with 37 CFR 1.48 (b). The inventorship of this application has been changed by deleting the name:

**Rakesh Katragadda**

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Zandra V. Smith/
Supervisory Patent Examiner,
Art Unit 2822

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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ZIES WIDERMAN & MALEK
1990 W. NEW HAVEN AVENUE, SUITE 201
MELBOURNE, FL 32904

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Albin Czernichowski et al :
Application No. 12/497,156 : DECISION ON PETITION
Filed: July 2, 2009 : TO WITHDRAW
Attorney Docket No.: 69.3903 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **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 Mark R. Malek on behalf of the practitioners of record associated with Customer Number 39682.

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 assignee provided is not the intervening assignee of the entire interest.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Mark R. Malek
202 N. Harbor City Boulevard, Suite 101
Melbourne, FL 32935

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HASSE & NESBITT LLC
8837 CHAPEL SQUARE DRIVE
SUITE C
CINCINNATI, OH 45249

MAILED
NOV 29 2010
OFFICE OF PETITIONS

Applicants: Louis S. Ashley
Appl. No.: 12/497,189
Filing Date: July 2, 2009
Title: METHOD OF ATTACHING A SOFT PLASTIC BAG IN AN AEROSOL CAN, AND OTHER CANS SUCH AS FLAT TOP CANS
Attorney Docket: ASH-001
Pub. No.: US 2010/0001020 A1
Pub. Date: January 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 3, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification wherein "α" was misprinted as "a" and "Fig. 11" was improperly printed as "Fig 1".

37 CFR 1.221 (b) is applicable: "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors noted by requester wherein "angle of α" was misprinted as "angle of a" in the brief description of the drawings and "Fig. 11" was improperly printed as "Fig 1" in one instance in the detailed description of Fig. 11 may be Office mistakes but they are not material mistakes in the publication made by the Office under 37 CFR 1.221(b). The errors are clearly typographical error, which are clear from the surrounding text, thus, one of ordinary skill in the art would clearly understand the nature of the typographical error. The errors do not affect the public's

[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).

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.

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

| | |
|---|---|
| **Doc Code: PET.AUTO**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12497189 |
| Filing Date | 02-Jul-2009 |
| First Named Inventor | Louis ASHLEY |
| Art Unit | 3754 |
| Examiner Name | NICHOLAS WEISS |
| Attorney Docket Number | ASH-001 |
| Title | METHOD OF ATTACHING A SOFT PLASTIC BAG IN AN AEROSOL CAN, AND OTHER CANS SUCH AS FLAT TOP CANS |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26868

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

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 | Louis S. ASHLEY |
| Address | 11490 Hook Road P.O. Box 222 |
| City | Pleasant City |
| State | OH |
| Postal Code | 43772 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /W. Charles Ehlers/ |
| Name | W. Charles Ehlers |
| Registration Number | 40600 |

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 15, 2012

In re Application of :

Louis ASHLEY

Application No : 12497189

Filed : 02-Jul-2009

Attorney Docket No : ASH-001

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 March 15, 2012

The request is **APPROVED.**

The request was signed by W. Charles Ehlers (registration no. 40600 ) on behalf of all attorneys/agents associated with Customer Number 26868 . All attorneys/agents associated with Cusotmer Number 26868 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 | Louis S. ASHLEY |
| Name2 | |
| Address 1 | 11490 Hook Road |
| Address 2 | P.O. Box 222 |
| City | Pleasant City |
| State | OH |
| Postal Code | 43772 |
| 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

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NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

**MAILED**

DEC 02 2010

**OFFICE OF PETITIONS**

In re Application of :
Torsten Dreier, et al. :
Application No.: 12/497,239 : DECISION ON PETITION
Filed: July 2, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No.: AGX5-002 :

This is a decision on the petition under 37 CFR 1.55(c), filed October 19, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Great Britain Application No. 1812120.4, filed July 2, 2008.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. 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 Director

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.

This application was filed on July 2, 2009, which is after November 29, 2000 and within 12 months of July 2, 2008 (the filing date of the foreign application to which benefit is now being claimed). On October 19, 2010, an ADS was received which identifies the foreign application for which priority is claimed by application number, country and filing date. (**The preliminary amendment filed October 19, 2010 will not be entered, as it is inappropriate to add a claim to a foreign application in this manner.**) The required petition fee of $1,410 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) 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 1.55(c) 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. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.***

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being referred to Technology Center AU 1643 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 inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

cc: JAMES H. VELEMA, ESQ.
LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

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 |
|---|---|---|---|---|---|---|
| 12/497,239 | 07/02/2009 | 1643 | 3745 | AGX5-002 | 93 | 15 |

**CONFIRMATION NO. 6059**

959
NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

**CORRECTED FILING RECEIPT**

*OC000000044760825*

Date Mailed: 12/02/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Torsten Dreier, Sint Martens Latem, BELGIUM;
Christophe Frederic Jerome Blanchetot, Gouda, NETHERLANDS;
Johannes Joseph Wilhelmus De Haard, Oudelande, NETHERLANDS;

**Power of Attorney:** The patent practitioners associated with Customer Number 00959

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/077,730 07/02/2008
and claims benefit of 61/110,161 10/31/2008

**Foreign Applications**

UNITED KINGDOM 1812120.4 07/02/2008

**If Required, Foreign Filing License Granted:** 07/20/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/497,239**

**Projected Publication Date:** 12/30/2010

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****

**Title**

ANTIGEN BINDING POLYPEPTIDES

**Preliminary Class**

424

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

## LICENSE FOR FOREIGN FILING UNDER

## Title 35, United States Code, Section 184

## Title 37, Code of Federal Regulations, 5.11 & 5.15

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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Alexandria, VA 22313-1450
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NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

MAILED
JAN 05 2011
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Torsten Dreier, et al. | : | CORRECTED |
| Application No.: 12/497,239 | : | DECISION ON PETITION |
| Filed: July 2, 2009 | : | UNDER 37 CFR 1.55(c) |
| Attorney Docket No.: AGX5-002 | : | |

This is a corrected decision on the petition under 37 CFR 1.55(c), filed October 19, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Great Britain Application No. 0812120.4, filed July 2, 2008.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. 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 Director

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.

This application was filed on July 2, 2009, which is after November 29, 2000 and within 12 months of July 2, 2008 (the filing date of the foreign application to which benefit is now being claimed). On October 19, 2010, an ADS was received which identifies the foreign application for which priority is claimed by application number, country and filing date. (**The preliminary amendment filed October 19, 2010 will not be entered, as it is inappropriate to add a claim to a foreign application in this manner.**) The required petition fee of $1,410 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) 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 1.55(c) 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. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.***

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being referred to Technology Center AU 1643 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 inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

cc: JAMES H. VELEMA, ESQ.
LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|---|---|---|---|---|---|---|
| 12/497,239 | 07/02/2009 | 1643 | 3745 | AGX5-002 | 93 | 15 |

**CONFIRMATION NO. 6059**

**CORRECTED FILING RECEIPT**

959
NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

Date Mailed: 01/03/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Torsten Dreier, Sint Martens Latem, BELGIUM;
Christophe Frederic Jerome Blanchetot, Gouda, NETHERLANDS;
Johannes Joseph Wilhelmus De Haard, Oudelande, NETHERLANDS;

**Power of Attorney:** The patent practitioners associated with Customer Number 00959

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/077,730 07/02/2008
and claims benefit of 61/110,161 10/31/2008

**Foreign Applications**

UNITED KINGDOM 0812120.4 07/02/2008

**If Required, Foreign Filing License Granted:** 07/20/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/497,239**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No
**** SMALL ENTITY ****

**Title**

ANTIGEN BINDING POLYPEPTIDES

**Preliminary Class**

424

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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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.

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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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www.uspto.gov

McAndrews Held & Malloy, LTD.
500 West Madison Street
Suite 3400
Chicago, IL 60661

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of
Henrik Kniberg, et. al.
Application No. 12/497,330
Filed: July 2, 2009
Attorney Docket No. 18682US03

DECISION DISMISSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 2, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor refuses to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding 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
www.uspto.gov

Ulf Larsson
Kopparvagen, 13
18741 TABY
SWEDEN

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of
Henrik Kniberg, et. al.
Application No. 12/497,330
Filed: July 2, 2009
For: GAMING INTERRUPTION AND RECONNECTION MANAGEMENT

Dear Mr. Larsson:

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 the undersigned at (571) 272-3226. 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).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: McAndrews Held & Malloy, Ltd.
500 West Madison Street
Suite 3400
Chicago, IL 60661

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MARSH FISCHMANN & BREYFOGLE LLP
8055 EAST TUFTS AVENUE,
SUITE 450
DENVER, CO 80237

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| James Robert Hamstra et al | : | DECISION REFUSING STATUS |
| Application No. 12/497,351 | : | UNDER 37 CFR 1.47(a) |
| Filed: July 2, 2009 | : | |
| Attorney Docket No. 50224-00516 | : | |

This is in response to the petition under 37 CFR 1.47(a), filed January 27, 2010.

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration is defective since it is not in compliance with 37 CFR 1.63. Since individual declarations were executed, they must be submitted as individual declarations rather than combined into one declaration. MPEP 201.03 B states,

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

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

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSH FISCHMANN & BREYFOGLE LLP
8055 EAST TUFTS AVENUE
SUITE 450
DENVER, CO 80237

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of :
James Robert Hamstra et al : DECISION GRANTING STATUS
Application No. 12/497,351 : UNDER 37 CFR 1.47(a)
Filed: July 2, 2009 :
Attorney Docket No. 50224-00516 :

This is a decision on the petition filed, October 6, 2010, requesting reconsideration of a decision mailed August 30, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, John MacAskill, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www. uspto. gov

John MacAskill
84 Laurelgrove Dale
Ballymaconachy Road
Belfast BT86ZF, United Kingdom

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of
James Robert Hamstra; John MasAskill; Kieran Miller; Aaron Jungreis; Dan Gorcea
Application No. 12/497,351
Filed: July 2, 2009
For: POWER FILTER

Dear Mr. MacAskill:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Marsh, Fischmann & Breyfogle LLP
8055 East Tufts Avenue
Suite 450
Denver, CO 80237

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450

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OFFICE OF PETITIONS

**SQUIRE, SANDERS & DEMPSEY (US) LLP**
**275 BATTERY STREET, SUITE 2600**
**SAN FRANCISCO CA 94111-3356**

In re Application of :
Hiroaki KOYAMA : ON PETITION
Application No. 12/497,413 :
Filed: July 2, 2009 :
Atty. Docket No.: 038915.00170

This is a decision on the petition under 37 CFR 1.137(b), filed May 26, 201, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed February 3, 2011, which set a statutory period for reply of three (3) months. The application became abandoned on May 3, 2011. A Notice of Abandonment was mailed May 20, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed February 3, 2011, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management for further processing.

Anthony Knight
Director
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: CEP08339 | Application Number (if known): 12/497,417 | Filing date: July 2, 2009 |
|---|---|---|
| First Named Inventor: Yang Song | | |
| Title: REDUCING LOSS OF LIQUID ELECTROLYTE FROM A HIGH TEMPERATURE POLYMER-ELECTROLYTE MEMBRANE FUEL CELL | | |

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   **Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

| Signature | Date February 10, 2011 |
|---|---|
| Name (Print/Typed) John D. Russell | Registration Number 47,048 |

***Note:*** *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

× *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicants | : | Yang Song et al. |
| Application No. | : | 12/497,417 |
| Filed | : | July 2, 2009 |
| Title | : | REDUCING LOSS OF LIQUID ELECTROLYTE FROM A HIGH TEMPERATURE POLYMER-ELECTROLYTE MEMBRANE FUEL CELL |
| Group Art Unit | : | 1725 |
| Confirmation No. | : | 6444 |
| Docket No. | : | CEP08339 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

February 10, 2011
Date

Caitlin Fackrell

## STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following basis: the claimed invention materially contributes to the more efficient utilization and conservation of energy resources.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by reducing the consumption of fossil fuels. Specifically, the claimed invention extends the duration over which a fuel cell can be used. As explained in the Background and Summary of the subject

application, high temperature polymer electrolyte membrane (HT-PEM) fuel cells can generate energy from the electrochemical oxidation of a fuel such as hydrogen or methanol. These fuel cells rely on an electrolyte to conduct protons from a catalyzed anode, where electrochemical oxidation of a fuel takes place, to a catalyzed cathode, where electrochemical reduction of oxygen takes place. The electrolyte can be a liquid which is sorbed onto a polymer matrix membrane, thus forming a gel-like membrane. Due to the fact that the electrolyte does not easily evaporate out of the polymer matrix, these membranes can withstand high operating temperatures, resulting in gains in efficiency and ease of control. However, extended periods of use can ultimately lead to electrolyte loss, reducing the conductivity of the membrane. Furthermore, the degradation of the PEM can lead to the membrane being pervious to the fuel and oxygen, reducing the efficiency of the fuel cell and forming a potentially unsafe mixture of fuel and oxygen. The claimed invention addresses these issues by providing a method for reducing loss of the liquid electrolyte from the PEM. For example, claim 1 recites:

> A method for reducing loss of a liquid electrolyte in a polymer-electrolyte membrane of a fuel cell, the fuel cell having a gas-permeable anode and a gas-permeable cathode disposed in face-sharing contact with the polymer-electrolyte membrane, the method comprising:
>
> enriching a fuel or air flow with a vapor of the liquid electrolyte, the liquid electrolyte being unreplenishable via an electrochemical reaction of the fuel cell; and
>
> delivering the vapor of the liquid electrolyte to the fuel cell including the polymer-electrolyte membrane via the gas-permeable anode or the gas-permeable cathode.

That is, a method for reducing loss of a liquid electrolyte in a PEM of a fuel cell is provided, the fuel cell having a gas-permeable anode and a gas-permeable cathode disposed in face-sharing contact with the PEM. The method comprises enriching one or more of a fuel flow and an air flow with a vapor of the liquid electrolyte, the liquid electrolyte being unreplenishable via an electrochemical reaction of the fuel cell. The method further comprises delivering the vapor of the liquid electrolyte to the fuel cell, including the PEM, via one or more of the gas-permeable anode and the gas-permeable cathode. In this way, the increased concentration of liquid electrolyte vapor acts to reduce the driving force that would otherwise result in loss of the liquid electrolyte from the membrane. Specifically, the enriched fuel flow and/or air flow, on the outside of the

membrane, reduces the concentration difference relative to the concentration of liquid electrolyte within the membrane. Further, in one particular example, since the vapor is that of the same liquid electrolyte as is stored in the membrane, it is possible to accurately control the amount of liquid electrolyte in the membrane as well as minimize the loss of liquid electrolyte from the membrane.

By reducing the loss of the liquid electrolyte from the membrane, the operational lifetime of the fuel cell can be extended, and further the performance efficiency of the fuel cell can be increased over a longer duration. Because fuel cells can utilize non-fossil fuels such as hydrogen and methanol, extending the amount of time a fuel cell is operational results in decreased consumption of fossil fuels. And, by extending the duration of increased efficiency of the membrane, the alternative fuels may be more efficiently utilized, further reducing usage of fossil fuels. Furthermore, one factor preventing more widespread use of fuel cells is their high cost. By extending the duration over which a fuel cell can be operated, the claimed invention lowers the lifetime cost of a fuel cell, making it more likely fuel cells will be utilized to produce energy, thus lowering the consumption of fossil fuels.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 503397.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 50488
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

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. |
|---|---|---|---|---|
| 12/497,417 | 07/02/2009 | Yang Song | CEP08339 | 6444 |

50488 7590 02/16/2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

| EXAMINER | |
|---|---|
| CREPEAU, JONATHAN | |
| ART UNIT | PAPER NUMBER |
| 1725 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 02/16/2011 | 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.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND OR 97205-3335

2/14/2011

| | | |
|---|---|---|
| In re Application of | : | |
| Song et al. | : | DECISION ON PETITION |
| Application No. 12/497,417 | : | TO MAKE SPECIAL UNDER |
| Filed: 7/2/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **CEP08339** | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 2/10/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Robert A. Stevenson

Application No. 12497424

Filed: July 2,2009

Attorney Docket No. GREATB-51587

:
:
: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 07-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.**:20110921

**DATE** : September 21, 2011

**TO SPE OF** : ART UNIT 2858

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7999517

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
**Certificates of Correction Branch - ST (South Tower) 9A22**
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance** **Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

**Comments:**

/PATRICK ASSOUAD/
Supervisory Patent Examiner.Art Unit 2858

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

**DATE** : 09/19/11

**TO SPE OF** : ART UNIT 2858

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12497466 Patent No.: 7999517

CofC mailroom date: 08/29/11

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**
[redacted]

Note: **Should the changes in the claims be approved?**
**Yes**

*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.

| | |
|---|---|
| **xApproved** | **All** changes apply. |
| ❑ **Approved in Part** | Specify below which changes **do not** apply. |
| ❑ **Denied** | State the reasons for denial below. |

**Comments:** Applicant request of 6/30/2011 for this correction was previously replied being approved on 7/18/2011. Therefore, the request for issuing the above-identified correction is

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

approved.

/Patrick Assouad/ 2858

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR.
SUITE 201
FORT COLLINS, CO 80525

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Application of :
Lockett E. WOOD et al. :
Application No. 12/497,472 : DECISION ON PETITION
Filed : July 2, 2009 :
Attorney Docket No.: HGEN.01US01 :

This is in response to the petition under 37 CFR 1.102(c)(1) filed November 23, 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. Applicant may also submit a statement from a registered practitioner that he or she has evidence that the applicant is 65 years of age or older. No fee is required.

The instant petition includes a statement from the applicant, Lockett E. Wood, who signed a statement indicating that said applicant is 65 years of age or older as required under MPEP § 708.02. 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 either the examination or status of the application should be directed to the Technology Center.

David Bucc
Petitions Examiner
Office of Petitions

Docket No.: 079979-0013 **PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | |
|---|---|---|
| In re Application of | : | Customer Number: 31824 |
| Jeffrey N. YU, et al. | : | Confirmation Number: 6620 |
| Application No.: 12/497,507 | : | Group Art Unit: 3747 |
| Filed: July 2, 2009 | : | Examiner: Raza Nehal Najmuddin |

For: FUEL CONSERVATION SYSTEMS AND METHODS

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This request is submitted in response to the Decision on Petition to Make Special under the Green Technology Pilot Program dismissing the Petition to Make Special under the Green Technology Pilot Program dated July 15, 2010. The Decision indicates that although the Petition includes a statement identifying the basis for the special status (i.e., that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources), Applicants 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.

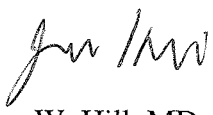
Applicants believe that the application disclosure is clear on its face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources. Nevertheless, in accord with the telephone conversation with Quality Assurance Specialist Mr. Henry Yuen on August 3, 2010, Applicants submit with this request a preliminary amendment to amend the independent claims and further clarify that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources.

Independent claim 1 has been amended to recite that "the engine performs substantially the same amount of work under the directive power output over the time duration as the engine would perform under the user-specified power output over the time duration." Furthermore, claim 1 already recites that "if the engine outputs power equal to the directive power output of the engine over the time duration, the engine consumes less fuel than the engine would have consumed if the engine outputted power equal to the user-specified power output of the engine over the time duration." Thus, the engine is able to perform substantially the same amount of work while also consuming less fuel. Accordingly, Applicants respectfully submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources. Similar amendments and arguments apply to independent claims 20 and 30.

In view of the foregoing, Applicants respectfully request reconsideration of the Decision on Petition to Make Special under the Green Technology Pilot Program. In particular, Applicants submit that all the requirements to the Petition to Make Special under the Green Technology Pilot Program are satisfied. Accordingly, grant of the Petition to Make Special under the Green Technology Pilot Program is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension-of-time fees, to Deposit Account No. 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP



James W. Hill, MD
Registration No. 46,396

18191 Von Karman Ave., Suite 500
Irvine, CA 92612-7108
Phone: 949.851.0633 RKC:af
Facsimile: 949.851.9348
**Date: August 4, 2010**
DM_US 26260111-1.079979.0013

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/497,507 | 07/02/2009 | Jeffrey N. YU | 079979-0013 | 6620 |

31824 7590 08/05/2010
MCDERMOTT WILL & EMERY LLP
18191 VON KARMAN AVE.
SUITE 500
IRVINE, CA 92612-7108

| EXAMINER | |
|---|---|
| NAJMUDDIN, RAZA NEHAL | |
| ART UNIT | PAPER NUMBER |
| 3747 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 08/05/2010 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
18191 VON KARMAN AVE.
SUITE 500
IRVINE CA 92612-7108

In re Application of :
YU, JEFFREY N. et al : DECISION ON PETITION
Application No. 12/497,507 : TO MAKE SPECIAL UNDER
Filed: July 2, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 079979-0013 : PILOT PROGRAM

Title: FUEL CONSERVATION SYSTEMS AND METHODS

This is a decision on the renewed petition under 37 CFR 1.102, filed August 4, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry Yuen/

Henry Yuen
Quality Assurance Specialist
Technology Center 3700

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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

**MAILED**

**MAR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :
Kiani-Azarbayjany, et al. : DECISION ON PETITION
Application No. 12/497,517 :
Filed: July 2, 2009 :
Atty. Dkt. No. MLABS.018C4RE :

This is a decision on the petition to expedite under 37 CFR 1.182, filed March 14, 2011. This is also in response to the petition under 37 CFR 1.47(a), filed March 14, 2011. The instant matter is being treated under 37 CFR 1.183 to waive the requirements of 37 CFR §§ 1.67, 1.172, and 1.175.[1] The fee submitted was $200.00, while the required fee due under 37 CFR 1.183 is $400.00. See, 37 CFR 1.17(f). Accordingly, the remaining fee due, $200.00, has been charged to the authorized deposit account.

## DECISION UNDER 37 CFR 1.182

In general, the Office of Petitions reviews petitions and renders decisions on petitions in the order by which the petitions are filed. Consideration outside the general course of action requires a petition to expedite (and fee). Based on the individual facts and circumstances of this case, petitioners have met the requirements for expedited treatment, and the petition to expedite is granted.

## DECISION UNDER 37 CFR 1.183

Petitioners request waiver of the requirement that all joint inventors sign a supplemental declaration in a broadening reissue application.

## BACKGROUND

1. U.S. Patent No. 7,239,905 (the '905 patent) issued to Kiani-Azarbayjany, et al. on July 3, 2007.

[1] 37 CFR 1.47 only applies where, in the first instance, the signature of an originally named, or to be added, inventor can not be obtained. As all inventors executed an original declaration and thus "made" the application, 37 CFR 1.47 does not apply in this case. See 37 CFR 1.47; MPEP 201.03. Rather, the remedy lies under 37 CFR 1.183, when a required supplemental declaration is not executed in whole or in part by one or more previously signing inventors. See MPEP 603.

2. A broadening reissue application (the present application) was filed on July 2, 2009, for the reissue of the '905 patent, and it was assigned application number 12/487,517. The reissue declaration to support the filed reissue application was signed by all of the joint inventors.

3. A supplemental reissue declaration under 37 CFR 1.175(b)(1) was filed March 14, 2012, along with a the present petition under 37 CFR 1.183 requesting acceptance of the supplemental reissue declaration signed by less than all of the joint inventors.

4. The supplemental reissue application declaration by the inventors is signed by two of the three inventors named in the application. The declaration is not signed by joint inventor Lepper. It is for this supplemental declaration that the petition requests acceptance, via suspension or waiver of the regulations.

5. The petition proffers a showing for the purpose of establishing that the inventor has refused to sign the supplemental reissue declaration. The petition sets forth (a) the efforts made on behalf of the assignee to contact the inventor and obtain the requisite signature on the supplemental declaration, and (b) the lack of success of such efforts.

6. Petitioners assert that the inventor has refused to execute the supplemental declaration.

## DECISION

35 U.S.C. 251, which is directed to reissue, does not address the signature requirements of a declaration in reissue. 37 CFR 1.172 requires that a reissue declaration be made (and signed) by the inventors, except as otherwise provided (§§ 1.42, 1.43, 1.47), where the scope of the claims of the original patent is being enlarged. 37 CFR § 1.175(b)(1), requires that:

> "For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant."

37 CFR 1.175(b)(1), taken in conjunction with 37 CFR 1.172, requires a supplemental declaration to be signed by all inventors. This is because all oaths or declarations necessary to fulfill the rule requirements in a reissue application are taken together collectively as a single oath or declaration. Thus, each oath and/or declaration must bear the appropriate signature of the inventor(s).

37 CFR 1.183 permits, in an extraordinary situation, waiver of a rule which is not a requirement of the statute, where justice requires such a waiver, and applicant has requested a waiver of the requirement that the 37 CFR 1.175 supplemental declaration be signed by all of the inventors.

The petition references the enclosure of a written refusal to execute the supplemental declaration from the inventor. Exhibits C, D, and E referenced in the petition do not appear in the record.

Accordingly, the petition is not supported by any supplemental evidence to establish the non-signing inventor has refused to execute the declaration.

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the supplemental reissue declaration to the non-signing inventor, and that thereafter, the non-signing inventor refused to execute the supplemental reissue declaration.

Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the supplemental reissue declaration. If, after the inventor receives the supplemental reissue declaration and requests to execute the supplemental reissue declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusal(s). If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

## CONCLUSION

The petition to expedite under 37 CFR 1.182 is hereby **GRANTED**.

The petition under 37 CFR 1.183 is **DISMISSED**.

Any request for reconsideration under 37 CFR 1.183 must be submitted within two months of the mail date of this decision. Extensions of time pursuant to 37 CFR 1.136 are available.

Further correspondence with respect to this matter should be addressed as follows:

| | |
|---|---|
| By mail: | Mail Stop PETITIONS<br>Commissioner for Patents<br>Post Office Box 1450<br>Alexandria, VA 22313-1450 |
| By hand: | Customer Service Window<br>Mail Stop Petitions<br>Randolph Building<br>401 Dulany Street<br>Alexandria, VA 22314 |
| By fax: | (571) 273-8300<br>ATTN: Office of Petitions |

Telephone inquiries concerning this decision should be directed to Attorney Advisor Alesia M. Brown at (571) 272-3215.

*/KENNETH M. SCHOR/*

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

3-23-2011
Kenpet8/reissue/...

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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MAY 23 2011

OFFICE OF PETITIONS

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
Kiani-Azarbayjany, et al. : DECISION ON PETITION
Application No. 12/497,517 :
Filed: July 2, 2009 :
Atty. Dkt. No. MLABS.018C4RE :

This is a decision on the March 31, 2011 petition requesting reconsideration of the Office's March 25, 2011 decision dismissing the March 25, 2011 petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175.[1]

Petitioners request waiver of the requirement that all joint inventors sign any supplemental declaration in a broadening reissue application.

The petition is granted.

## BACKGROUND

1. U.S. Patent No. 7,239,905 (the '905 patent) issued to Kiani-Azarbayjany, et al. on July 3, 2007.

2. A broadening reissue application (the present application) was filed on July 2, 2009, for the reissue of the '905 patent, and it was assigned application number 12/487,517. The reissue declaration to support the filed reissue application was signed by all of the joint inventors.

3. A supplemental reissue declaration under 37 CFR 1.175(b)(1) was filed March 14, 2012, along with an original petition under 37 CFR 1.183 requesting acceptance of the supplemental reissue declaration signed by less than all of the joint inventors.

4. The March 14, 2012 petition was accompanied by a supplemental reissue application declaration by the inventors, signed by two of the three inventors named in the application. The

[1] 37 CFR 1.47 only applies where, in the first instance, the signature of an originally named, or to be added, inventor can not be obtained. As all inventors executed an original declaration and thus "made" the application, 37 CFR 1.47 does not apply in this case. See 37 CFR 1.47; MPEP 201.03. Rather, the remedy lies under 37 CFR 1.183, when a required supplemental declaration is not executed in whole or in part by one or more previously signing inventors. See MPEP 603.

declaration is not signed by joint inventor Lepper. It is for this supplemental declaration that the petition requests acceptance, via suspension or waiver of the regulations.

5. The petition was dismissed in the Office's decision mailed March 25, 2011.

6. On March 31, 2011, the present petition, requesting reconsideration of the Office's March 25, 2011 decision, was filed.

## DECISION

35 U.S.C. 251, which is directed to reissue, does not address the signature requirements of a declaration in reissue. 37 CFR 1.172 requires that a reissue declaration be made (and signed) by the inventors, except as otherwise provided (§§ 1.42, 1.43, 1.47), where the scope of the claims of the original patent is being enlarged. 37 CFR § 1.175(b)(1), requires that:

> "For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant."

37 CFR 1.175(b)(1), taken in conjunction with 37 CFR 1.172, requires a supplemental declaration to be signed by all inventors. This is because all oaths or declarations necessary to fulfill the rule requirements in a reissue application are taken together collectively as a single oath or declaration. Thus, each oath and/or declaration must bear the appropriate signature of the inventor(s).

37 CFR 1.183 permits, in an extraordinary situation, waiver of a rule which is not a requirement of the statute, where justice requires such waiver, and applicant has requested a waiver of the requirement that the 37 CFR 1.175 supplemental declaration be signed by all of the inventor.

The present reconsideration petition and supporting documentation provide a sufficient showing that the inventor has refused to sign the supplemental reissue declaration. Particular reference is made to Exhibit E, filed March 31, 2011, wherein the inventor expresses an unwillingness to sign any further documents.

## CONCLUSION

In view thereof, the petition under 37 CFR 1.183 is GRANTED.

This application is being directed to Group Art Unit 3777 for further processing.

Telephone inquiries concerning this decision should be directed to Attorney Advisor Alesia M. Brown at (571) 272-3215.

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

5-23-2011
Kenpet8/reissue/...

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. |
|---|---|---|---|---|
| 12/497,643 | 07/03/2009 | NAKAO AKUTSU | US23282 | 6922 |

7590 02/17/2011

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

| EXAMINER | |
|---|---|
| CONLEY, SEAN EVERETT | |
| **ART UNIT** | **PAPER NUMBER** |
| 1773 | |
| **NOTIFICATION DATE** | **DELIVERY MODE** |
| 02/17/2011 | ELECTRONIC |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of :
Takashi Oyanagi et al :
Application No. 12/497,730 : ON PETITION
Filed: July 6, 2009 :
Attorney Docket No. U 017793-8

This is a decision on the petition, filed December 13, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on October 26, 2010 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 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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**LADAS & PARRY**
**26 WEST 61ST STREET**
**NEW YORK NY 10023**

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of :
Takashi Oyanagi et al :
Application No. 12/497,730 : DECISION GRANTING PETITION
Filed: July 6, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. U 017793-8 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 15, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on March 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]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

---

[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.*

This application is being referred to Technology Center AU 1734 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

Cc:

**LADAS & PARRY LLP**
**1040 AVENUE OF THE AMERICAS**
**NEW YORK, NEW YORK 10018**

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**PATENT GROUP 2N**
**JONES DAY**
**NORTH POINT**
**901 LAKESIDE AVENUE**
**CLEVELAND OH 44114**

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
**REISTAD,** Brian J. et al. :
Application No. 12/497,805 : DECISION ON PETITION
Filed: July 06, 2009 : TO WITHDRAW
Attorney Docket No. **432383-600085** : 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 19, 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 David B. Cochran on behalf of all attorneys of record who are associated with customer No. 24325. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SOVERAIN SOFTWARE LLC**
**233 S. WACKER DRIVE, SUITE 9425**
**CHICAGO, IL 60606**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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**Hazen Patent Group, LLC**
**1534 W. Islandia Dr.**
**Gillbert AZ 85233**

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Vladimir Balakin :
Application No. 12/497,829 : NOTICE
Filed: July 6, 2009 :
Attorney Docket No. PROT0007 :

This is in response to the paper filed March 10, 2011 under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status of March 10, 2011 has been made of record and small entity status has been accorded.

The application file is being forwarded to Technology Center 2881.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Wang Law Firm, Inc.
4989 Peachtree Parkway,
Suite 200
Norcross GA 30092

**MAILED**

DEC 08 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Yeejang James Lin | : | |
| Application No.: 12/497981 | : | DECISION ON |
| Filing or 371(c) Date: 07/06/2009 | : | PETITION |
| Attorney Docket Number: C-006.P005 | : | |

This is a decision in response to the "Request for Reconsideration of Holding of Abandonment Under MPEP 711.03," filed November 16, 2011. The request is properly treated as a petition to withdraw the holding of abandonment based upon non-receipt of an Office action under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment, mailed June 3, 2011. The Notice set a one (1) month or 30 day period for reply, whichever was longer. No reply having been received, the application became abandoned on July 4, 2011[1].

Applicant files the present petition and avers that the Notice was never received.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original

[1] At the filing of the present petition on November 16, 2011, the maximum extendable period for reply had not expired; however, at the time of the present decision on petition the maximum extendable period for reply had expired and the application is abandoned.

Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for ***a date*** three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. ***If no such master docket exists, the practitioner should so state*** and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and/or file jacket docketed for a date that is one (1) month or 30 days from the mail date of the non-received Notice.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning *this matter* should be directed to the undersigned at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center[2].

/DLW/

Derek L. Woods
Attorney
Office of Petitions

[2] Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See, 37 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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Wang Law Firm, Inc.
4989 Peachtree Parkway,
Suite 200
Norcross GA 30092

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of :
Yeejang James Lin :
Application No.: 12/497981 : DECISION ON
Filing or 371(c) Date: 07/06/2009 : PETITION
Attorney Docket Number: C-006.P005 :

This is a decision in response to the Request for Reconsideration of Decision on Petition, filed December 13, 2011. The request for reconsideration is properly treated as a renewed petition to withdraw the holding of abandonment based upon the failure to receive an Office action under MPEP § 711.03(c) and 37 CFR § 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed June 3, 2011. The Notice set a one month or 30 day period for reply, whichever was longer, from the mail date of the Notice, and provided for extensions of time under 37 CFR 1.136[1]. No reply having been received, the application became abandoned on July 4, 2011.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 2443 for re-mailing the Notice and re-starting the period for reply, in the normal course of business. A copy of Notice is also included herewith.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Notice of Non-Compliant Amendment, mailed June 3, 2011

[1] It is noted that at the time the petition, filed November 16, 2011, was filed, applicant was within the maximum extendable period for reply; however, at the time of mailing of the Decision dismissing the November 16, 2011 petition, on December 8, 2011, the application had become abandoned.

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**RAYMOND VAN DYKE**
**VAN DYKE LAW**
**WASHINGTON SQUARE, P.O. BOX 65302**
**1050 CONNECTICUT AVENUE NW**
**WASHINGTON DC 20035**

**MAILED**
JUN 01 2011
**OFFICE OF PETITIONS**

In re Application of
Terry Morrone
Application No. 12/498,009
Filed: July 6, 2009
Attorney Docket No. Fonar - 13

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 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 December 2, 2010. A Notice of Abandonment was mailed May 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2858 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

MAILED

DEC 14 2010

OFFICE OF PETITIONS

Applicant: Martens, et al.
Appl. No.: 12/498,015
Filing Date: July 6, 2009
Title: CRYSTALLINE MESOPOROUS OXIDE VASED MATERIALS USEFUL FOR THE FIXATION AND CONTROLLED RELEASE OF DRUGS
Atty. Dpc. No.: 50304/229001
Pub. No.: US 2010/0008990 A1
Pub. Date: January 14, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on March 12, 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

**FOLEY AND LARDNER LLP**
**SUITE 500**
**3000 K STREET NW**
**WASHINGTON DC 20007**

**MAILED**

FEB 15 2011

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application: | : | |
| Matthews et al. | : | |
| Application No. 12/498,077 | : | ON PETITION |
| Filed: July 6, 2009 | : | |
| Attorney Docket No. 017227-0213 | : | |

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 12, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This 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.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 21 2011

PCT LEGAL ADMINISTRATION

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

In re Application of
Connor et al.
Application No. 12/498,166
Filed: July 6, 2009
Attorney Docket No. 023848.0105C1US

DECISION ON PETITION

UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 11, 2009, to accept unintentionally delayed claims for the benefit of the prior-filed nonprovisional application and international application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

The present nonprovisional application was filed after November 29, 2000. However, the claim herein for the benefit of priority to the prior-filed nonprovisional and PCT applications was submitted before expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is **not** a proper petition under 37 CFR 1.78(a)(3).

In view of the above, the $1410.00 petition fee paid on 11 September 2009 is unnecessary and will be refunded to petitioner in due course.

The amendment filed concurrently with the instant petition seeks to add a claim of priority to PCT/US2007/086515, which "claims priority to" 11/634,347. International application PCT/US2007/086515 became abandoned with respect to the United States as of midnight on 05 June 2009 for failure to timely pay the basic national fee. Therefore, co-pendency does not exist between this application and PCT/US2007/086515. As such, the claim sought to be added via the amendment is improper. Applicants may wish to consider filing a petition under 37 CFR 1.137(b) reviving PCT/US2007/086515 for purposes of establishing co-pendency.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
(571) 272-3283

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**GREENBERG & LIEBERMAN, LLC**
**2141 WISCONSIN AVE, N.W.**
**SUITE C-2**
**WASHINGTON DC 20007**

**MAILED**

NOV 22 2011

**OFFICE OF PETITIONS**

In re Application of:
AUTRY, MARCY S.
Serial No.: 12/498,203
Filed: July 6, 2009
Attorney Docket No.: 4437-6

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 25, 2010. Accordingly, the date of abandonment of this application is January 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) an adequate statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

cc: Marcy S. Autry
6061 Meridian Drive. NW
Acworth, Georgia 30101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO, IL 60690-2786

MAILED
SEP 01 2011
OFFICE OF PETITIONS

In re Application of :
Pierre-Antoine Andreani, et al. :
Application No. 12/498,231 : DECISION ON PETITION
Filed: July 6, 2009 :
Attorney Docket No.: 38624-109866 :

This is a decision on the petition, filed June 22, 2011, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **GRANTED.**

The application was held abandoned for a failure to reply in a timely manner to the Restriction Requirement, mailed October 15, 2010 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A Notice of Abandonment was subsequently mailed on June 14, 2011. In response on June 22, 2011, the present petition was filed. Petitioner argues that the abandonment should be withdrawn, since the restriction requirement was based on cancelled claims.

A review of the record supports petitioner's argument. In fact, it noted that the record was annotated, presumably by the Examiner, stating: "called Grant Peters—told him to request new restriction on proper claim set from prelim amdmt on11/15/10 (left mssage)." Further, it is noted that applicant responded to the October 15, 2010 Restriction Requirement by a communication filed December 8, 2010.

In view of the communication of December 8, 2010, including authorization to charge the requisite petitioner for extension of time, and the statement annotated in the record, the Office concedes that there was no outstanding Office action requiring a reply from applicant. Accordingly, the no abandonment exists.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The $130 for a one-month extension of time is being charged to counsel's deposit account as authorized.

This application is being referred to the Technology Center Art Unit 1731 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Randall J. Mrsny :
Application No. 12/498,274 : DECISION ON PETITION
Filed: July 6, 2009 : TO WITHDRAW FROM
Attorney Docket No. 10901-048-999 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed May 12, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because a review of the file record shows that Colin A. Forestal does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable[1].

In view of the above, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Trinity Biosystems, Inc.
c/o Trinity (assignment for the benefit of creditors), LLC
Attn: Colin Savage
1100 LaAvenida Street, Building A
Mountain view, CA 94043

[1] The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| Application No.: | 12/498317 |
| Application Title: | *Sensitivity Control as a Function of Touch Shape* |
| First Named Inventor: | Peter Sleeman |
| Filing Date: | 6 July 2009 |
| Confirmation No.: | 8167 |
| Art Unit: | 2629 |
| Examiner: | Richard A. Hjerpe |

**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. 11/728198;

b) Applicant includes with this Petition a copy of the Declaration of Abandonment of U.S. Patent Application No. 11/728198;

c) The relationship between this Application and U.S. Patent Application No. 11/728198 that qualifies this Application for special status is this Application and U.S. Patent Application No. 11/728198 having a common assignee, Atmel Corporation;

d) Applicant is expressly abandoning U.S. Patent Application No. 11/728198;

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: 25 May 2011

**Customer No. 12323**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| Application No.: | 11/728198 |
| Application Title: | *Method of optimising writing by a master block into a FIFO type interfacing device between this master block and a slave block, and the corresponding computer program product* |
| First Named Inventor: | Sylvain Garnier |
| Filing Date: | 23 March 2007 |
| Confirmation No.: | 8960 |
| Art Unit: | 2193 |
| Examiner: | Insun Kang |

**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. 12/498317 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:

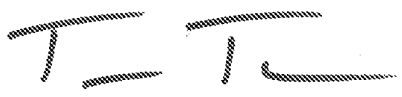
a) Applicant has not and will not file an application that claims the benefit of U.S. Patent Application No. 11/728198 under any provision of Title 35 of the United States Code;

b) Applicant agrees not to request a refund of any fees paid in U.S. Patent Application No. 11/728198; 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. 11/728198 (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: 25 May 2011

**Customer No. 12323**

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 07 2011

OFFICE OF PETITIONS

Baker Botts L.L.P.
2001 Ross Avenue, 6th Floor
Dallas TX 75201

In re Application of :
SLEEMAN :
Application No. 12/498,317 :
Filed: July 6, 2009 :
Attorney Docket No. **080900.0109** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed May 25, 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

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. |
|---|---|---|---|---|
| 12/498,426 | 07/07/2009 | Marc VERHOEYEN | LUTZ 201043US01 | 8386 |

48116 7590 03/05/2012

FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

| EXAMINER | |
|---|---|
| SHIU, HO T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2457 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/05/2012 | 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
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P.O. Box 1450
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Fay Sharpe/Lucent
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

In re Application of:
Verhoeyen
Application No. 12/498426
Filed: July 07, 2009
For: Method and Devices for Resource Allocation

**DECISION ON PETITION**

**UNDER 37 C.F.R. § 1.181**

This is a decision on the petition filed February 13, 2012 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the Final rejection mailed February 01, 2012.

The petition is **Dismissed**.

The petition states that the Office action of February should not have been made final as the action introduced a new reference to reject unamended claim 4 as the amendment to claim 1 is just incorporating the features of claim 2 into claim 1 (rolled up).

The amendment to claim 1 has 2 parts. The "information regarding available network resources" is certainly straight from claim 2 and would not be deemed an amendment necessitating a new grounds of rejection. The collecting at the server information at least in part from said received request is a second amendment to claim 1. This is a new feature to this claim which could necessitate a new grounds of rejection as it significantly changes the scope of claim 1 and any dependents that further develop this feature. Claim 4 further develops this feature. Thus a switch to a new reference to reject claim 4 was necessitated by an amend to the claims as the new feature of claim 1 combined with original claim 4 is a new combination of features.

Accordingly, the finality of the previous office action is maintained and the period for response continues to run from February 01, 2012.

The petition is hereby **Dismissed.**

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

**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: 81161881 | Application Number (if known): 12498461 | Filing date: July 07, 2009 |
|---|---|---|
| First Named Inventor: Milos Milacic | | |
| Title: SYSTEM AND METHOD FOR HUMIDIFYING A MASTER FUEL CELL STACK WITH A SLAVE FUEL CELL STACK | | |

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   **Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

| Signature /Benjamin C. Stasa/ | Date 2011-03-08 |
|---|---|
| Name (Print/Typed) Benjamin C. Stasa | Registration Number 55644 |

***Note:*** *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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.

# Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):**

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MILOS MILACIC et al.

Group Art Unit: 2183

Examiner: Unknown

Serial No.: 12498461

Filed: July 07, 2009

For: SYSTEM AND METHOD FOR HUMIDIFYING A MASTER FUEL CELL STACK WITH A SLAVE FUEL CELL STACK

Attorney Docket No.: 81161881

# STATEMENT SUPPORTING ELIGBILITY REQUIREMENT OF THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicant respectfully submits that it is clear on the above-identified application's face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of $300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**MILOS MILACIC et al.**

By: /Benjamin C. Stasa/
Benjamin C. Stasa
Reg. No. 55644
Attorney for Applicant

Date: March 8, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/498,461 | 07/07/2009 | Milos Milacic | 81161881 | 8443 |

28395 7590 03/28/2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

| EXAMINER | |
|---|---|
| LEONG, JONATHAN G | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1725 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/28/2011 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

3/28/2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

| | | |
|---|---|---|
| In re Application of | : | |
| Milacic et al. | : | DECISION ON PETITION |
| Application No. 12/498,461 | : | TO MAKE SPECIAL UNDER |
| Filed: 7/7/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. **81161881** | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 3/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/498,609 | 07/07/2009 | Hideo ABE | 09363/LH | 8727 |

1933 7590 11/16/2010

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

| EXAMINER | |
|---|---|
| COLLINS, JASON M | |
| ART UNIT | PAPER NUMBER |
| 2833 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/16/2010 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**HOLTZ, HOLTZ, GOODMAN & CHICK PC**
**220 Fifth Avenue**
**16TH Floor**
**NEW YORK NY 10001-7708**

**In re Application of**
Hideo ABE
**Application No.: 12/498,609**
**Filed: 07 July 2009**
**Attorney Docket No.: 09363/LH**
**For: TIME INFORMATION OBTAINING APPARATUS AND RADIO TIMEPIECE**

**: DECISION ON REQUEST TO**
**: PARTICIPATE IN THE PATENT**
**: PROSECUTION HIGHWAY**
**: PROGRAM AND PETITION**
**: TO MAKE SPECIAL UNDER**
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 11 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);

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.

Lee W. Young
TQAS
Technology Center 2800

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/140<br>U.S. Patent and Trademark Office<br>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 | 12498656 |
| Filing Date | 07-Jul-2009 |
| First Named Inventor | Si-Han Kim |
| Art Unit | 2835 |
| Examiner Name | NIDHI DESAI |
| Attorney Docket Number | K46.12-0004 |
| Title | PORTABLE DISPLAY DEVICE |

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

| |
|---|
| ◯ One or more claims are unpatentable<br><br>◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)<br><br>◯ 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.<br><br>☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :<br>The RCE request ,submission, and fee have already been filed in the above-identified application on<br><br>☒ Are attached. |
| THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES<br><br>I certify, in accordance with 37 CFR 1.4(d)(4) that I am:<br><br>◯ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.<br><br>◉ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.<br><br>◯ A sole inventor<br><br>◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors<br><br>◯ A joint inventor; all of whom are signing this e-petition<br><br>◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71 |

| | |
|---|---|
| Signature | /Sungyeop Chung/ |
| Name | Sungyeop Chung |
| Registration Number | 64130 |

UNITED STATES 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 20, 2012

In re Application of :

Si-Han Kim

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12498656

Filed : 07-Jul-2009

Attorney Docket No : K46.12-0004

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 20, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2835 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES 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 : November 5,2011

In re Application of :

Sam Liu

Application No : 12498695

Filed : 07-Jul-2009

Attorney Docket No : NEW003

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 November 5,2011

The request is **APPROVED.**

The request was signed by Kenneth C. Brooks (registration no. 38393 ) on behalf of all attorneys/agents associated with Customer Number 78077 . All attorneys/agents associated with Cusotmer Number 78077 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 | Newnex Technology Corporation |
| Name2 | Attn: Sam Liu |
| Address 1 | 3041 Olcott Street |
| Address 2 | |
| City | Santa Clara |
| State | CA |
| Postal Code | 95054 |
| 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**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12498695 |
| Filing Date | 07-Jul-2009 |
| First Named Inventor | Sam Liu |
| Art Unit | 2839 |
| Examiner Name | HIEN VU |
| Attorney Docket Number | NEW003 |
| Title | SNAP HOUSING FOR A MODULAR CONNECTOR ASSEMBLY |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 78077

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 | Newnex Technology Corporation Attn: Sam Liu |
| Address | 3041 Olcott Street |
| City | Santa Clara |
| State | CA |
| Postal Code | 95054 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /Kenneth C. Brooks/ |
| Name | Kenneth C. Brooks |
| Registration Number | 38393 |

UNITED STATES 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. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

**MAILED**

**OCT 22 2010**

**OFFICE OF PETITIONS**

In re Application of :
Shunpei Yamazaki, et al. :
Application No. 12/498,696 : DECISION GRANTING PETITION
Filed: July 7, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0012003 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on September 20, 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 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 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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. |
|---|---|---|---|---|
| 12/498,721 | 07/07/2009 | Jun OKADA | 345133US0 | 8929 |

7590 04/25/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

| EXAMINER | |
|---|---|
| TUNG, JOYCE | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1637 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 04/25/2011 | 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

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE** : 5/31/2011

**TO SPE OF** : ART UNIT 2817 Pascal Robert (Spe)

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/498730 Patent No.: 7936230

**CofC mailroom date:** 5/27/2011

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**
**Randolph Square – 9D10-A**
**Palm Location 7580**

**Note:** _____

_____

N. Rhd
**Certificates of Correction Branch**

**571-272-8680** _____

**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:** _____

_____

_____

_____

_____

Robert R
**SPE**

2817
**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

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA, SUITE 1600
IRVINE CA 92614-2558

**MAILED**

**OCT 07 2010**

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Kazuyuki Sakakibara | : | |
| Application No. 12/498,736 | : | DECISION GRANTING PETITION |
| Filed: July 7, 2009 | : | UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. 701158-4025 | : | |

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 5, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on September 1, 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 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 1795 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**PENUMBRA INC. C/O MOFO**
**425 MARKET STREET**
**SAN FRANCISCO, CA 94105-2482**

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
**Ben TOMPKINS**, et *al.* :
Application No. 12/498,752 : DECISION ON PETITION TO
Filed: July 7, 2009 : WITHDRAW FROM RECORD
Attorney Docket No. **028414-000710US** :
:

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 26, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **PENUMBRA INC. C/O MOFO** has been revoked by the assignee of the patent application on August 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **TOWNSEND AND TOWNSEND AND CREW, LLP**
**TWO EMBARCADERO CENTER, EIGHTH FLOOR**
**SAN FRANCISCO CA 94111-3834**

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www.uspto.gov

VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of
Alexander Reznik, et al.
Application No. 12/498,805
Filed: July 7, 2009
Attorney Docket No.: IPH-2-2120US02

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed July 6, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries regarding 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MR. MOHAMMED SAMMOUR
#10 HASAN SEDEQ ALSAUDI STREET
ALRABIEH, AMMAN 11110
JORDAN

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of
Alexander Reznik, et al.
Application No. 12/498,805
Filed: July 7, 2009
For: METHOD AND APPARATUS FOR COOPERATIVE RELAYING IN WIRELESS COMMUNICATIONS

LETTER

Dear Mr. Sammour:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Paper No.

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

**MAILED**

SEP 08 2011

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Todor Georgiev | : | DECISION ON APPLICATION |
| Application No. 12/498,897 | : | FOR |
| Filed: July 7, 2009 | : | PATENT TERM ADJUSTMENT |
| Attorney Docket No. 07844-0624002 | : | |
| /P577C1 | : | |

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed September 2, 2011. Applicant requests that the patent term adjustment indicated on the initial determination of patent term adjustment be corrected from zero (0) days to three (3) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three (3) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On July 20, 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 to date is 0 days. The instant application for patent term

adjustment was timely filed[1] on or before payment of the issue fee. Applicant disputes the initial determination of patent term adjustment on the basis that a 3 day reduction should not have been entered for a reply to an Office action (of February 28, 2011) due on or before May 31, 2011. Applicant states that as intended by 35 U.S.C. § 154(b)(2)(C)(ii), the three-month date should be calculated from May 31, 2011, as May 28, 2011, falls over a weekend, and requests the Office recalculate this period of applicant delay as 0 days.

Applicant is correct that this period of reduction, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b), is incorrectly calculated as 3 days. This reduction has been reconsidered, and it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. §21(b) is not warranted. It is noted that May 30, 2011 was a federal holiday. Accordingly, the period of reduction of 3 days is being removed.

No other adjustments or reductions are at issue.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 3 days.

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

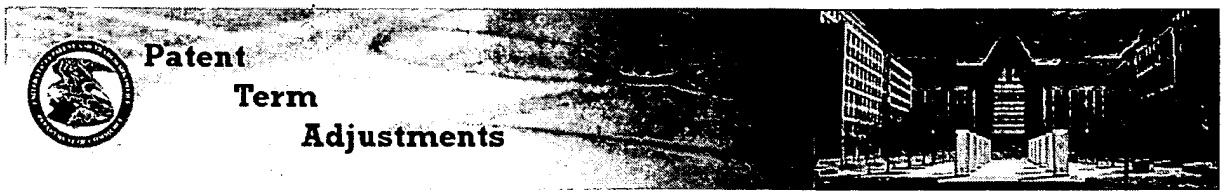
The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of PALM calculation

[1] The issue fee has not been received. It is due by October 20, 2011.




PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12498897 Search Explanation of PTA Calculation Explanation of PTE Calculation

## PTA Calculations for Application: 12498897

| | | | |
|---|---|---|---|
| Application Filing Date | 07/07/2009 | OverLapping Days Between (A and B) or (A and C) | 0 |
| Issue Date of Patent | | Non-Overlapping USPTO Delays: | 3 |
| A Delays | 3 | PTO Manual Adjustment | 3 |
| B Delays | 0 | Applicant Delay (APPL) | 3 |
| C Delays | 0 | Total PTA (days) | 3 |

* - Sorted Column

## File Contents History

| Action Number | Action Recorded Date | Action Due Date | Action Code | Action Description | Duration PTO | Duration APPL | Parent Action Number |
|---|---|---|---|---|---|---|---|
| 66 | 09/04/2011 | | P028 | Adjustment of PTA Calculation by PTO | 3 | | 0 |
| 60 | 07/20/2011 | | MN/=. | Mail Notice of Allowance | | | 0 |
| 59 | 07/15/2011 | | OAR | Office Action Review | | | 0 |
| 58 | 07/15/2011 | | OAR | Office Action Review | | | 0 |
| 57 | 07/15/2011 | | OAR | Office Action Review | | | 0 |
| 56 | 07/15/2011 | | IREV | Issue Revision Completed | | | 0 |
| 55 | 07/15/2011 | | N/=. | Notice of Allowance Data Verification Completed | | | 0 |
| 54 | 07/15/2011 | | DVER | Document Verification | | | 0 |
| 53 | 07/14/2011 | | EX.R | Reasons for Allowance | | | 0 |
| 52 | 07/14/2011 | | EX.A | Examiner's Amendment Communication | | | 0 |
| 51 | 07/14/2011 | | CNTA | Allowability Notice | | | 0 |
| 45 | 06/03/2011 | | FWDX | Date Forwarded to Examiner | | | 0 |
| 44 | 05/31/2011 | 05/28/2011 | A... | Response after Non-Final Action | | 3 | 41 |
| 43 | 03/02/2011 | | ELC_RVW | Electronic Review | | | 0 |
| 42 | 02/28/2011 | | EML_NTF | Email Notification | | | 0 |
| 41 | 02/28/2011 | | MCTNF | Mail Non-Final Rejection | | | 0 |
| 40 | 02/23/2011 | | CTNF | Non-Final Rejection | | | 0 |
| 36 | 01/06/2011 | | P574 | Paralegal TD Accepted | | | 0 |
| 34 | 12/16/2010 | | FWDX | Date Forwarded to Examiner | | | 0 |
| 35 | 12/10/2010 | 12/10/2010 | DIST | Terminal Disclaimer Filed | | | 33 |
| 33 | 12/10/2010 | | A... | Response after Non-Final Action | | | 0 |
| 32 | 09/10/2010 | | ELC_RVW | Electronic Review | | | 0 |
| 31 | 09/10/2010 | | EML_NTF | Email Notification | | | 0 |
| 30 | 09/10/2010 | 09/07/2010 | MCTNF | Mail Non-Final Rejection | 3 | | 0.5 |
| 29 | 09/08/2010 | | CTNF | Non-Final Rejection | | | 0 |
| 18 | 07/28/2010 | | DOCK | Case Docketed to Examiner in GAU | | | 0 |
| 27 | 10/01/2009 | | IDSC | Information Disclosure Statement considered | | | 0 |
| 25 | 10/01/2009 | | IDSC | Information Disclosure Statement considered | | | 0 |
| 17 | 10/01/2009 | | M844 | Information Disclosure Statement (IDS) Filed | | | 0 |
| 16 | 10/01/2009 | | WIDS | Information Disclosure Statement (IDS) Filed | | | 0 |
| 15 | 10/01/2009 | | WIDS | Information Disclosure Statement (IDS) Filed | | | 0 |
| 14 | 08/06/2009 | | TSSCOMP | IFW TSS Processing by Tech Center Complete | | | 0 |
| 13 | 07/22/2009 | | A.PE | Preliminary Amendment | | | 0 |
| 8 | 07/22/2009 | | EML_NTR | Email Notification | | | 0 |
| 6 | 07/22/2009 | | FLRCPT.O | Filing Receipt | | | 0 |
| 7 | 07/21/2009 | | OIPE | Application Dispatched from OIPE | | | 0 |
| 4 | 07/09/2009 | | L194 | Cleared by OIPE CSR | | | 0 |
| 2 | 07/08/2009 | | SCAN | IFW Scan & PACR Auto Security Review | | | 0 |
| 28 | 07/07/2009 | | IDSC | Information Disclosure Statement considered | | | 0 |
| 26 | 07/07/2009 | | IDSC | Information Disclosure Statement considered | | | 0 |
| 12 | 07/07/2009 | | RCAP | Reference capture on IDS | | | 0 |
| 11 | 07/07/2009 | | M844 | Information Disclosure Statement (IDS) Filed | | | 0 |
| 10 | 07/07/2009 | | A.PE | Preliminary Amendment | | | 0 |
| 9 | 07/07/2009 | | WIDS | Information Disclosure Statement (IDS) Filed | | | 0 |
| 5 | 07/07/2009 | | NPRQ | PGPubs nonPub Request | | | 0 |
| 3 | 07/07/2009 | | WIDS | Information Disclosure Statement (IDS) Filed | | | 0 |
| 1 | 07/07/2009 | | IEXX | Initial Exam Team nn | | | 0 |
| 0.5 | 07/07/2009 | | EFILE | Filing date | | | 0 |

Export to: Excel

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STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

**MAILED**

AUG 02 2011

OFFICE OF PETITIONS

In re Application of
Bret K. Reimann
Application No. 12/498,938
Filed: July 7, 2009
Attorney Docket No. 38138/2

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 23, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Matthew S. Berthards on behalf of all attorneys of record who are associated with customer No. 32642. All attorneys/agents associated with the Customer Number 32642 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: BRET K. REISMANN
C/O STONE PASSION
393 SOUTH 2650 WEST
SALT LAKE CITY, UT 84104

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 |
|---|---|---|---|
| 12/498,938 | 07/07/2009 | Bret K. Reimann | 38138/2 |

**CONFIRMATION NO. 9325**

**POWER OF ATTORNEY NOTICE**

32642
STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

*OC000000049073503*

Date Mailed: 08/01/2011

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/23/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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**AEON LAW**
**1525 4TH AVENUE, SUITE 800**
**SEATTLE, WA 98101-1648**

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of :
**Maxine E. FITZWATER** :
Application No. 12/498,944 :
Filed: September 7, 2009 :
Attorney Docket No. **FIMA-2009003** :

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 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Adam L.K. Philipp 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.

There is an outstanding Office action mailed April 20, 2010 that requires a reply from 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: **MAXINE FITZWATER**
**924 SHOREWOOD DRIVE, UNIT E50**
**BREMERTON WA 98132**

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. |
|---|---|---|---|---|
| 12/498,975 | 07/07/2009 | Gary Plate | MBT-21902/03 | 9386 |

7590 10/27/2010

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 3782 | |
| MAIL DATE | DELIVERY MODE |
| 10/27/2010 | 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)

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**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**
**1279 OAKMEAD PARKWAY**
**SUNNYVALE CA 94085-4040**

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Murray L. Neal :
Application No. 12/498,990 : DECISION ON PETITION
Filed: July 7, 2009 :
Attorney Docket No. 8827P012D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 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 final Office action mailed, December 21, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 22, 2011. A Notice of Abandonment was mailed June 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114; (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) 272-7751.

This matter is being referred to Technology Center AU 3633 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

/Joan Olszewski/
Joan Olszewski
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: 19660-4011 | Application Number (if known): 12/499,012 | Filing date: 07/07/2009 |
|---|---|---|

First Named Inventor: Daniel L. Bour

Title: ENHANCED GEOTHERMAL SYSTEMS AND RESERVOIR OPTIMIZATION

**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: Attachment to Petition

| Signature /s/ Sanjeet K. Dutta | Date 11/17/2010 |
|---|---|
| Name (Print/Typed) Sanjeet K. Dutta | Registration Number 46,145 |

*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.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---|---|---|---|
| Appl. No. | : | 12/499,012 | Confirmation No.: 9470 |
| Applicant | : | Daniel L. Bour | |
| Filing Date | : | 07/07/2009 | |
| Title | : | ENHANCED GEOTHERMAL SYSTEMS AND RESERVOIR OPTIMIZATION | |
| Group Art Unit | : | 3676 | |
| Examiner | : | Not Yet Assigned | |
| Docket No. | : | 19660-4011 | |
| Customer No. | : | 34313 | |

Commissioner for Patents
EFS-Web
*Petition for Green Tech Pilot*

## ATTACHMENT TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

Applicant requests expedited examination based on the Petition to Make Special under the Green Technology Pilot Program, introduced in the Federal Register on December 8, 2009, and extended in the Federal Register on November 10, 2010.

**Eligibility Requirements**

☐ *Applications Pertaining to Environmental Quality:* Special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

<If the application does not clearly disclose that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement signed by the applicant, assignee, or an attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment. See MPEP § 708.02 (item V). >

| | | |
|---|---|---|
| Applicant | : | Daniel L. Bour |
| Appl. No. | : | 12/499,012 |
| Examiner | : | Not Yet Assigned |
| Docket No. | : | 19660-4011 |

☒ *Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction:* Special status is sought because the application is for an invention that materially contributes to:

☒ (1) The discovery or development of renewable energy resources;

☐ (2) the more efficient utilization and conservation of energy resources; or

☐ (3) the reduction of greenhouse gas emissions.

<If the application disclosure is not clear on its face that the claimed invention materially contributes to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction, the petition must be accompanied by a statement signed by the applicant, assignee, or an attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction, nor does the standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction. See MPEP § 708.02 (item VI). >

Applicant hereby certifies that:

1. The application contains three or fewer independent claims and twenty or fewer total claims. Additionally, application does not contain any multiple dependent claims. If application does contain more than three independent claims, twenty total claims and/or multiple dependent claims, a preliminary amendment is filed herewith.

2. The claims are directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) The discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) greenhouse gas emission reduction. If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements and is classified in one of the U.S. classifications listed in section 2 of this petition.

3. No Office Action, including an Office Action containing only a restriction requirement, has been issued.

4. 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. If applicable, 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).

5. Fees. This Petition to Make Special is being submitted under the Green Technology Pilot Program, therefore no fees are required. However, if the undersigned is in error in this regard, the Commissioner is authorized to charge any fees to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 17, 2010

By: /s/ Sanjeet K. Dutta
Sanjeet K. Dutta
Reg. No. 46,145

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 650-614-7647
Fax: 650-614-7401

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Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/499,012 | 07/07/2009 | Daniel L. Bour | 19660-4011 | 9470 |

34313 7590 12/01/2010

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

| EXAMINER | |
|---|---|
| SUCHFIELD, GEORGE A | |
| **ART UNIT** | **PAPER NUMBER** |
| 3676 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/01/2010 | 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.

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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DEC - 1 2010

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

| | |
|---|---|
| In re Application of | : |
| Daniel L. BOUR | : LETTER ACKNOWLEDGING |
| Application No. 12/499,012 | : SUBMISSION BY APPLICANT |
| Filed: July 7, 2009 | : UNDER THE GREEN |
| Attorney Docket No. 19660-4011 | : TECHNOLOGY PILOT PROGRAM |

The submission filed on November 17, 2010 has been received. The record shows that a first decision dismissing the initial petition to make the application special under the Green Technologies pilot program was mailed on January 8, 2010, and a second decision denying the renewed petition was mailed on July 9, 2010. The Notice regarding the Pilot Program for Green Technologies Including Greenhouse Gas Reduction as set forth in 74 Federal Register Notice 64666 (December 8, 2009) states that applicant "will be given only one opportunity to correct the deficiency"; Therefore, no further consideration will be made of this matter.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3676 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 09 2010

OFFICE OF PETITIONS

HARMAN - BRINKS HOFER INDY
Brinks Hofer Gilson & Lione
CAPITAL CENTER, SUITE 1100
201 NORTH ILLINOIS STREET
Indianapolis IN 46204-4220

In re Application of :
Gerald R. Stanley :
Application No.: 12/499,017 : ON PETITION
Filed: July 7, 2009 :
Attorney Docket No.: 11336-2017 (P06019USD1) :

This is a decision on the petition, filed September 7, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on August 18, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2816 for further processing of the Request for Continued Examination (RCE) 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

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. |
|---|---|---|---|---|
| 12/499,041 | 07/07/2009 | David Myung | 10834-700.200 | 9517 |

66854 7590 08/16/2010

SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

| EXAMINER | |
|---|---|
| EASHOO, MARK | |
| **ART UNIT** | **PAPER NUMBER** |
| 1796 | |
| **MAIL DATE** | **DELIVERY MODE** |
| 08/16/2010 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 23313-1450
WWW.USPTO.GOV

Mailed:

*In re* Application of MYUNG et al.
Serial No.: 12/499,041
Filed: July 7, 2009

**DECISION ON PETITION UNDER** *37 CFR 1.48(a)*

Title: HYDROPHILIC INTERPENETRATING POLYMER NETWORKS DERIVED FROM HYDROPHOBIC POLYMERS

This is a decision on the PETITION TO CORRECT INVENTORSHIP IN A NON-PROVISIONAL PATENT APPLICATION filed June 4, 2010 to correct inventorship under 37 CFR 1.48(a) by adding the name of Curtis W. Frank to the list of inventors of the instant application.

It is noted that the applicant has met the requirements of 37 C.F.R. § 1.48(a) by (1) submitting a request to correct the inventorship that sets forth the desired inventorship change; (2) providing a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) providing a declaration of the actual inventors as required by 37 C.F.R. § 1.63; (4) providing the processing fee set forth in 1.17(i); and, (5) providing the written consent of the assignee.

The request is **GRANTED**.

The application file is being forwarded to the appropriate section of the Patent and Trademark Office for correction of the record.

Mark Eashoo
Supervisory Patent Examiner
Art Unit 1796
Technology Center 1700

SHAY GLENN, LLP
2755 Campus Drive, Suite 210
San Mateo, CA 94403

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. |
|---|---|---|---|---|
| 12/499,100 | 07/08/2009 | CHUN-KAI HUANG | US22550 | 9634 |

7590 02/17/2011

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

| EXAMINER | |
|---|---|
| SANDY, ROBERT JOHN | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3677 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 02/17/2011 | ELECTRONIC |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/499,150 | 07/08/2009 | Masatoshi Uchida | TMCF-10202/08 | 9752 |

25006 7590 02/25/2011

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

| EXAMINER | |
|---|---|
| AMIN, BHAVESH V | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3664 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 02/25/2011 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB 2 5 2011

GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re application of
Masatoshi Uchida
Application No. 12/499,150
Filed: July 08, 2009
For: DEGRADATION DETERMINING APPARATUS FOR POWER STORAGE DEVICE AND DEGRADATION DETERMINING METHOD FOR POWER STORAGE DEVICE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 03, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the 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: 02/25/11

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. |
|---|---|---|---|---|
| 12/499,153 | 07/08/2009 | Kyosuke Kuramoto | 404412 | 9755 |

7590 10/14/2011

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

| EXAMINER | |
|---|---|
| ZHANG, YUANDA | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2828 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 10/14/2011 | 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

UNITED STATES 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**
**600 GALLERIA PARKWAY, S.E.**
**STE 1500**
**ATLANTA GA 30339-5994**

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of :
Gerald L. Barber :
Application No. 12/499,206 : DECISION ON PETITION
Filed: July 8, 2009 :
Attorney Docket No. 10251-1031 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed July 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 September 29, 2009. The Notice of Abandonment was mailed June 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings (previously filed), (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 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
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

**IP & T GROUP LLP**
**7700 LITTLE RIVER TURNPIKE**
**SUITE 207**
**ANNANDALE VA 22003**

MAILED
AUG 17 2011
OFFICE OF PETITIONS

In re Application of :
Sang Min Hwang :
Application No. 12/499,263 : DECISION ON PETITION
Filed: July 8, 2009 :
Attorney Docket No. POA00553US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before June 30, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 31, 2011. Accordingly, the date of abandonment of this application is July 1, 2011. A Notice of Abandonment was mailed July 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

/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
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NOV 15 2011

OFFICE OF PETITIONS

**Super Banc Inc.**
**Attn.: Intellectual Property Department**
**500 rue du Parc Industriel**
**Sherbrooke QC J1C 0J2 CA CANADA**

In re Application of :
Alexandre Robichaud et al. :
Application No. 12/499,315 : DECISION ON PETITION
Filed: July 8, 2009 : TO WITHDRAW
Attorney Docket No. MTC-007-002US2 : 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 31, 2011.

The request is **not approved.**

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Mathieu Audet, does not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The correspondence address will remain the same as requested.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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: | 12499394 | Filing date: | 2009-07-08 |
| First Named Inventor: | Zhibo Zhao | | |
| Title of the Invention: | Hybrid Interference Coatings, Lamps, 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/US2010/039397

**The international date of the corresponding PCT application(s) is/are:** 22 June 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!

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12499394 |
| First Named Inventor: | Zhibo 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 _____

**(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 to 20 | | Claims 1 to 20 of PCT/US2010/039397 correspond to US Claims |
| | | 1 to 20 as submitted on 2009-07-08 |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /ptd47323/ | Date 2010-11-04 |
| Name (Print/Typed) Peter T. DiMauro | Registration Number 47,323 |

# Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

WHAT IS CLAIMED IS:

1. An article comprising an optical interference multilayer coating, said coating comprising,

a first region comprising a first plurality of alternating first and second layers, said first layers having relatively low refractive index and said second layers having relatively higher refractive index than the first layers; and

a second region comprising a second plurality of alternating third and fourth layers, said third layers having relatively low refractive index and said fourth layers having relatively higher refractive index than the third layers,

wherein said first region is formed by a physical vapor deposition process, and said second region is formed by a chemical vapor deposition process.

2. The article of claim 1, wherein said PVD process is selected from the group consisting of: thermal evaporation; RF evaporation; electron beam evaporation; reactive evaporation; DC sputtering; RF sputtering; microwave sputtering; magnetron sputtering; microwave-enhanced DC magnetron sputtering; arc plasma deposition; reactive sputtering; laser ablation; and combinations thereof.

3. The article of claim 1, wherein said CVD process is selected from the group consisting of: atmospheric pressure CVD; low-pressure CVD; high-vacuum CVD; ultrahigh-vacuum CVD; aerosol-assisted CVD; direct liquid-injection CVD; microwave plasma-assisted CVD; plasma-enhanced CVD; remote plasma-enhanced CVD; atomic layer CVD; hot wire CVD; metal-organic CVD; hybrid physical-chemical vapor deposition; rapid thermal CVD; vapor phase epitaxy; and combinations thereof.

4. The article according to claim 1,

wherein said first region has a first average interface roughness among said first plurality of alternating first and second layers, and said second region has a second

average interface roughness among said second plurality of alternating third and fourth layers, and

wherein said first average interface roughness is greater than said second average interface roughness.

5. The article of claim 4, wherein said first average interface roughness is at least about 10% greater than said second average interface roughness.

6. The article of claim 1, wherein said first layers and said third layers comprise a material independently selected from ceramic materials, refractory materials, oxides of metals or metalloids, fluorides of metals or metalloids, and nitrides of metals or metalloids.

7. The article of claim 1, wherein said second and said fourth layers comprise a material independently selected from one or more oxides or mixed oxides of one or more metal selected from Ti, Zr, Hf, Nb, W, Mo, In, and Ta.

8. The article according to claim 1, wherein said first region comprises a geometrical thickness of from about 50% to about 90% of the total geometrical thickness of the coating, and said second region comprises a geometrical thickness of from about 10% to about 50% of the total geometrical thickness of the coating.

9. The article according to claim 1, wherein said coating has an average transmittance in visible light of greater than 60% and has an average reflectance of at least about 30% in the infrared region of the electromagnetic spectrum.

10. A lamp comprising:

a light-transmissive envelope having a surface; and a light source, said envelope at least partially enclosing said light source;

wherein at least a portion of the surface of the light-transmissive envelope is provided with an optical interference multilayer coating comprising,

(a) a first region comprising a first plurality of alternating first and second layers, said first layers having relatively low refractive index and said second layers having relatively higher refractive index than the first layers, and

(b) a second region comprising a second plurality of alternating third and fourth layers, said third layers having relatively low refractive index and said fourth layers having relatively higher refractive index than the third layers;

wherein said first region is formed by a chemical vapor deposition process, and said second region is formed by a physical vapor deposition process.

11. The lamp according to claim 10, wherein said optical interference multilayer coating is provided on one or both of an inner surface and an outer surface of said envelope.

12. The lamp according to claim 10, wherein said light source comprises a filament and wherein said lamp, when energized to a hot filament temperature, exhibits an LPW gain of from about 20% to about 150% as compared to the same lamp energized to the same hot filament temperature without said coating.

13. The lamp according to claim 10, further comprising at least one electric element arranged in the envelope and connected to current supply conductors extending through the envelope.

14. The lamp according to claim 10, wherein the light source comprises one or more of filament or electric arc.

15. The lamp according to claim 10, wherein the envelope encloses a fill gas selected to promote lamp life, quality, and/or performance.

16. The lamp according to claim 10,

wherein said first region has a first average interface roughness among said first plurality of alternating first and second layers, and said second region has a second average interface roughness among said second plurality of alternating third and fourth layers, and

wherein said first average interface roughness is greater than said second average interface roughness.

17. The lamp according to claim 10, wherein said coating has an average transmittance in visible light of greater than 60% and has an average reflectance of at least about 30% in the infrared region of the electromagnetic spectrum.

18. A method for making an article having an optical interference multilayer coating, said method comprising,

providing a substrate,

depositing by a physical vapor deposition process a first region comprising a first plurality of alternating first and second layers, said first layers having relatively low refractive index and said second layers having relatively higher refractive index than the first layers;

depositing by a chemical vapor deposition process a second region comprising a second plurality of alternating third and fourth layers, said third layers having relatively low refractive index and said fourth layers having relatively higher refractive index than the third layers;

wherein one of said first and second region is adjacent to the substrate.

19. The method of claim 18, wherein said PVD process is selected from the group consisting of: thermal evaporation; RF evaporation; electron beam evaporation; reactive evaporation; DC sputtering; RF sputtering; microwave sputtering; magnetron sputtering; microwave-enhanced DC magnetron sputtering; arc plasma deposition; reactive sputtering; laser ablation; and combinations thereof.

20. The method of claim 18, wherein said CVD process is selected from the group consisting of: atmospheric pressure CVD; low-pressure CVD; high-vacuum CVD; ultrahigh-vacuum CVD; aerosol-assisted CVD; direct liquid-injection CVD; microwave plasma-assisted CVD; plasma-enhanced CVD; remote plasma-enhanced CVD; atomic layer CVD; hot wire CVD; metal-organic CVD; hybrid physical-

chemical vapor deposition; rapid thermal CVD; vapor phase epitaxy; and combinations thereof.

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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. |
|---|---|---|---|---|
| 12/499,394 | 07/08/2009 | Zhibo ZHAO | 231314 | 1212 |

52082 7590 11/26/2010

General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484

| EXAMINER | |
|---|---|
| ART UNIT | PAPER NUMBER |
| 2879 | |

| 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):

gpo.mail@ge.com
allyson.camaroli@ge.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

**General Electric Company**
**GE Global Patent Operation**
**2 Corporate Drive, Suite 648**
**Shelton CT 06484**

**In re Application of**
**ZHAO et al.**
**Application No.: 12/499,394**
**Filed: 08 July 2009**
**Attorney Docket No.: 231314**
**For: HYBRID INTERFERENCE COATINGS, LAMPS, AND METHODS**

**: DECISION ON REQUEST TO**
**: PARTICIPATE IN THE PCT PATENT**
**: PROSECUTION HIGHWAY PILOT**
**: PROGRAM AND PETITION**
**: TO MAKE SPECIAL UNDER**
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 04 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

**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: 81186460 | Application Number (if known): 12/499,413 | Filing date: 2009-07-08 |
|---|---|---|
| First Named Inventor: JUN YANG | | |
| Title: HYDROGEN STORAGE MATERIALS CONTAINING AMMONIA BORANE | | |

**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: Status Statement for Petition to Make Special

| Signature /Junqi Hang/ | Date 2011-03-07 |
|---|---|
| Name (Print/Typed) Junqi Hang | Registration Number 54,615 |

***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.*

PTO/SB/420 (11-10)
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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.

# Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):**

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/499,413 | 07/08/2009 | Jun Yang | 81186460 | 1243 |

28395 7590 03/28/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

| EXAMINER | |
|---|---|
| LAWRENCE JR, FRANK M | |
| **ART UNIT** | **PAPER NUMBER** |
| 1775 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/28/2011 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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3/28/2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of :
Yang et al. :
Application No. 12/499,413 :
Filed: 7/8/2009 :
Attorney Docket No. **81186460** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/7/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1775 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/499,436 | 07/08/2009 | Yang Zhao | 11005.0075 | 1291 |

7590 09/07/2010

Huawei Technologies Co., Ltd./Finnegan
901 New York Avenue
NW
Washington, DC 20001

| EXAMINER |
|---|
| STAMBER, ERIC W |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3622 | |

| 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.

Patent Publication Branch
Office of Data Management

Adjustment date: 09/07/2010 NFRANCIS
07/08/2009 INTEFSH 00001794 12499436
02 FC:1111 -340.00 DP
04 FC:1201 -180.00 DP

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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. |
|---|---|---|---|---|
| 12/499,492 | 07/08/2009 | Goroh Kawasaki | 4880.85374 | 1390 |

7590 06/14/2011

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

| EXAMINER | |
|---|---|
| NGUYEN, HOA T | |
| ART UNIT | PAPER NUMBER |
| 2627 | |
| MAIL DATE | DELIVERY MODE |
| 06/14/2011 | 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)

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PROSKAUER ROSE LLP
ONE INTERNATINALPLACE
BOSTON, MA 02110

MAILED

OCT 05 2010

OFFICE OF PETITIONS

Applicants: Pluschke, et al.
Appl. No.: 12/499,500
Filing Date: July 8, 2009
Title: Method For Synthesizing Conformationally Constained Peptides, Peptidomimetics And The Use Thereof As Synthetic Vaccines
Attorney Docket: 32048-002DV
Pub. No.: US 2009/0324707 A1
Pub. Date: December 31, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 19, 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
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OCT 13 2011

MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco, CA 94105

*In re* Application of Sung et al.
Appl. No.: 12/499,523
Filed: July 8, 2009
For: ACTUATOR FOR ACTIVE ROLL CONTROL SYSTEM

**RESPONSE TO PETITION UNDER 37 CFR 1.59**

This is a decision on the petitions under 37 CFR 1.59(b), filed August 30, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the Information Disclosure Statement of August 30, 2011, be expunged from the record.

In accordance with 37 CFR 1.59(b) and MPEP 724.05 II, the petition must contain:

(A) a statement 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;
(B) a clear statement that the information to be expunged has not been otherwise made public;
(C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(D) statement as to why the information to be expunged is not material information under 37 CFR 1.56; and
(E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

The petition lacks items (A), (B), (C) and (D).

Any questions regarding this letter should be directed to Paul N. Dickson at 571-272-7742.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

/pnd/: 9/29/11

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**DLA PIPER LLP US**
**P. O. BOX 2758**
**RESTON VA 20195**

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
**ELLIS III,** Frampton E. :
Application No. 12/499,555 : DECISION ON PETITION
Filed: July 08, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **313449-000022** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 24, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Frampton E. Ellis, III 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 Michelle R. Eason 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 2448 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
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SEP 30 2010

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IP & T GROUP LLP
7700 LITTLE RIVER TURNPIKE
SUITE 207
ANNANDALE, VA 22003

| | | |
|---|---|---|
| In re Application of | : | |
| Beom-Ju Shin | : | |
| Application No. 12/499,561 | : | DECISION ON PETITION |
| Filed: July 8, 2009 | : | UNDER 37 CFR 1.78(a)(3) |
| Attorney Docket No.: P05HA028C/US | : | |

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 19, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition. The $1,410 petition fee is being charged to counsel's deposit account as authorized.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and (iii) of the prior-filed application(s), unless previously submitted;[1]
> **(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.

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

***The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application(s). In order for this application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.***

It is noted that a corrected Filing Receipt, which included the priority claim to the prior-filed nonprovisional application was mailed on September 21, 2010.

Accordingly, this application is being forwarded to Technology Center Art Unit 2819 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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NELSON MULLINS RILEY & SCARBOROUGH LLP/MEDAREX
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of :
Presnell, et al. :DECISION ON APPLICATION
Application No.: 12/499,636 :FOR ADJUSTMENT
Filed: July 8, 2009 :PATENT TERM ADJUTSMENT
Attorney Docket No. ZXI-004CNDV :

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUSING REQUEST FOR RECONSIDERATION UNDER UNDER 37 CFR 1.705(b)" filed January 4, 2012. Applicant requests that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of determination of the patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **zero (0) days**. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On October 5, 2011, a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed indicating that the patent term adjustment to date was 0 days. On January 4, 2012, applicant submitted the instant petition. Applicant asserts the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed October 5, 2011, is incorrect. Specifically, applicant states that:

> [s]pecifically, according to the PTOS's Patent Term Adjustment calculation ("PTA Sheet") available on Private Pair...the PTO did not debit any days of PTA for Applicant's delayed submission of a Response to the Notice to Comply with Requirements for Sequence Disclosures on November 23, 2009.

*Excerpt taken from,* "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUSING REQUEST FOR RECONSIDERATION UNDER UNDER 37 CFR

1.705(b)""Statement under 37 CFR 1.705(b)(2)" filed January 4, 2012. *pg. 1.*

It is determined that applicant should have been assessed a delay under 37 CFR 1.704(b)[1] for filing a reply in excess of the three month period from the July 27, 2009, mailing date of the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures". On July 27, 2009, a "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" was mailed. Applicant did not file a reply until November 23, 2009. Accordingly, the period of adjustment set forth in § 1.703 should have been reduced under 37 CFR 1.704(b) by 27 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", October 28, 2009, and ending on the date the reply was filed, November 23, 2009. **A period of reduction of 27 days will be entered.**

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is **zero** (0 days of Office delay - 54 days of Applicant delay).

The Office is in receipt of the $200.00 fee set forth in 37 CFR 1.18(e) which is a requirement for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

---

[1] 37 CFR 1.704(b) states:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

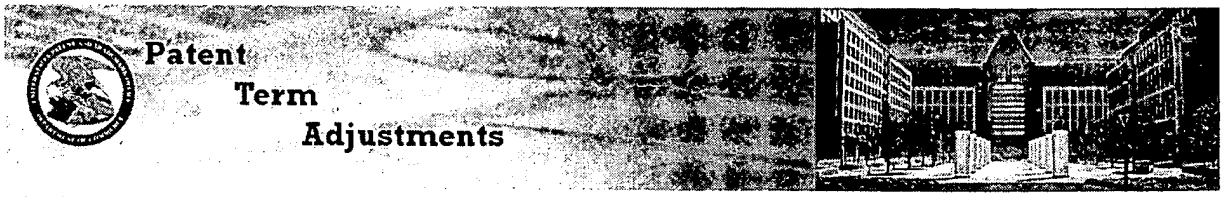
Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

Telephone inquiries regarding this specific matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen




PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12499636 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

## PTA Calculations for Application: 12499636

| | | | |
|---|---|---|---|
| Application Filing Date | 07/08/2009 | OverLapping Days Between (A and B) or (A and C) | 0 |
| Issue Date of Patent | | Non-Overlapping USPTO Delays: | 0 |
| A Delays | 0 | PTO Manual Adjustment | -27 |
| B Delays | 0 | Applicant Delay (APPL) | 27 |
| C Delays | 0 | Total PTA (days) | 0 |

* - Sorted Column

## File Contents History

| Action Number | Action Recorded Date | Action Due Date | Action Code | Action Description | Duration PTO | Duration APPL | Parent Action Number |
|---|---|---|---|---|---|---|---|
| 75 | 01/23/2012 | | P028 | Adjustment of PTA Calculation by PTO | | 27 | 0 |
| 67 | 10/05/2011 | | MN/=. | Mail Notice of Allowance | | | 0 |
| 66 | 09/28/2011 | | OAR | Office Action Review | | | 0 |
| 65 | 09/28/2011 | | OAR | Office Action Review | | | 0 |
| 64 | 09/28/2011 | | IREV | Issue Revision Completed | | | 0 |
| 63 | 09/28/2011 | | DVER | Document Verification | | | 0 |
| 62 | 09/28/2011 | | N/=. | Notice of Allowance Data Verification Completed | | | 0 |
| 61 | 09/28/2011 | | DOCK | Case Docketed to Examiner in GAU | | | 0 |
| 60 | 09/26/2011 | | CTRT | Telephonic restriction | | | 0 |
| 59 | 09/26/2011 | | CNTA | Allowability Notice | | | 0 |
| 55 | 09/21/2011 | | FWDX | Date Forwarded to Examiner | | | 0 |
| 54 | 09/20/2011 | | A.NE | Amendment after Final Rejection | | | 0 |
| 53 | 08/03/2011 | | MCTFR | Mail Final Rejection (PTOL - 326) | | | 0 |
| 52 | 08/01/2011 | | OAR | Office Action Review | | | 0 |
| 51 | 08/01/2011 | | CTFR | Final Rejection | | | 0 |
| 47 | 07/10/2011 | | FWDX | Date Forwarded to Examiner | | | 0 |
| 50 | 06/29/2011 | | IDSC | Information Disclosure Statement considered | | | 0 |
| 48 | 06/29/2011 | 06/29/2011 | EIDS. | Electronic Information Disclosure Statement | | | 46 |
| 46 | 06/29/2011 | | A... | Response after Non-Final Action | | | 0 |
| 45 | 06/29/2011 | | WIDS | Information Disclosure Statement (IDS) Filed | | | 0 |
| 44 | 06/06/2011 | | PA.. | Change in Power of Attorney (May Include Associate POA) | | | 0 |
| 43 | 06/02/2011 | | C.AD | Correspondence Address Change | | | 0 |
| 42 | 03/31/2011 | | MCTNF | Mail Non-Final Rejection | | | 0 |
| 41 | 03/28/2011 | | OAR | Office Action Review | | | 0 |
| 40 | 03/25/2011 | | CTNF | Non-Final Rejection | | | 0 |
| 39 | 03/16/2011 | | MEXIN | Mail Examiner Interview Summary (PTOL - 413) | | | 0 |
| 38 | 03/08/2011 | | OAR | Office Action Review | | | 0 |
| 37 | 03/08/2011 | | EXIN | Examiner Interview Summary Record (PTOL - 413) | | | 0 |
| 36 | 01/17/2011 | | FWDX | Date Forwarded to Examiner | | | 0 |
| 35 | 01/12/2011 | 12/16/2010 | A... | Response after Non-Final Action | | 27 | 31 |
| 34 | 01/12/2011 | | XT/G | Request for Extension of Time - Granted | | | 0 |
| 31 | 09/16/2010 | | MCTNF | Mail Non-Final Rejection | | | 0 |
| 30 | 09/13/2010 | | CTNF | Non-Final Rejection | | | 0 |
| 25 | 08/04/2010 | | FWDX | Date Forwarded to Examiner | | | 0 |
| 24 | 08/02/2010 | | ELC. | Response to Election / Restriction Filed | | | 0 |
| 22 | 07/08/2010 | | MCTRS | Mail Restriction Requirement | | | 0 |
| 21 | 07/06/2010 | | CTRS | Restriction/Election Requirement | | | 0 |
| 20 | 04/14/2010 | | PA.. | Change in Power of Attorney (May Include Associate POA) | | | 0 |
| 19 | 04/12/2010 | | C.AD | Correspondence Address Change | | | 0 |
| 18 | 04/01/2010 | | PG-ISSUE | PG-Pub Issue Notification | | | 0 |
| 17 | 01/05/2010 | | DOCK | Case Docketed to Examiner in GAU | | | 0 |
| 16 | 12/23/2009 | | OIPE | Application Dispatched from OIPE | | | 0 |
| 15 | 12/23/2009 | | FLRCPT.U | Filing Receipt - Updated | | | 0 |
| 14 | 12/15/2009 | | CRFE | CRF Is Good Technically / Entered into Database | | | 0 |
| 26 | 11/23/2009 | | IDSC | Information Disclosure Statement considered | | | 0 |
| 23 | 11/23/2009 | | EIDS. | Electronic Information Disclosure Statement | | | 0 |
| 13 | 11/23/2009 | | ADDFLFEE | Additional Application Filing Fees | | | 0 |
| 12 | 11/23/2009 | | CRFL | CRF Disk Has Been Received by Preexam / Group / PCT | | | 0 |
| 11 | 11/23/2009 | | WIDS | Information Disclosure Statement (IDS) Filed | | | 0 |
| 10 | 09/09/2009 | | PA.. | Change in Power of Attorney (May Include Associate POA) | | | 0 |
| 9 | 08/11/2009 | | C.ADB | Correspondence Address Change | | | 0 |
| 8 | 07/27/2009 | | PA.. | Change in Power of Attorney (May Include Associate POA) | | | 0 |
| 7 | 07/27/2009 | | SQPR | SEQUENCE ERRORS | | | 0 |
| 6 | 07/27/2009 | | FLRCPT.O | Filing Receipt | | | 0 |
| 4 | 07/21/2009 | | CRFD | CRF Is Flawed Technically / Not Entered into Database | | | 0 |
| 3 | 07/10/2009 | | L194 | Cleared by OIPE CSR | | | 0 |

| | | | | |
|---|---|---|---|---|
| 5 | 07/08/2009 | CRFL | CRF Disk Has Been Received by Preexam / Group / PCT | 0 |
| 2 | 07/08/2009 | SCAN | IFW Scan & PACR Auto Security Review | 0 |
| 1 | 07/08/2009 | IEXX | Initial Exam Team nn | 0 |
| 0.5 | 07/08/2009 | EFILE | Filing date | 0 |

Export to: Excel

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**SCHOX PLC**
**500 3RD STREET, SUITE 515**
**SAN FRANCISCO CA 94107**

MAILED

JUL 21 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Mancuso, Gwen | : | DECISION ON PETITION |
| Application No. 12/499,640 | : | TO WITHDRAW |
| Filed: July 8, 2009 | : | FROM RECORD |
| Attorney Docket No. GWEN-P01 | : | |

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 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Jeffrey Schox on behalf of all attorneys/agents of record who are associated with Customer Number 49142. All attorneys/agents associated with Customer Number 49142 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, Gwen Mancuso, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: GWEN MANCUSO
33 ORA WAY
SAN FRANCISCO CA 94131

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**PERKINS COIE LLP**
**PATENT-SEA**
**P.O. BOX 1247**
**SEATTLE, WA 98111-1247**

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of
Mats E. Lanner, et al.
Application No. 12/499,643
Filed: July 8, 2009
Attorney Docket No. 343328006US

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 11, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Perkins Coie LLP has been revoked by the assignee of the patent application on June 14, 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: **SNR DENTON US LLP**
**P.O. BOX 061080**
**CHICAGO, IL 60606-1080**

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AUG 2 6 2010

OFFICE OF PETITIONS

Hazen Patent Group, LLC
1534 W. Islandia Dr.
Gillbert AZ 85233

In re Application of :
Vladimir Balakin :
Application No. 12/499,669 : DECISION ON PETITION
Filed: July 8, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **PROT0004** : 37 CFR 1.102(c)(1)
:

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 MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2881 for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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**Hazen Patent Group, LLC**
**1534 W. Islandia Dr.**
**Gillbert AZ 85233**

MAILED

APR 15 2011

OFFICE OF PETITIONS

In re Application of :
Vladimir Balakin :
Application No. 12/499,669 : NOTICE
Filed: July 8, 2009 :
Attorney Docket No. PROT0004 :

This is in response to the paper filed March 10, 2011 under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status of March 10, 2011 has been made of record and small entity status has been accorded.

The application file is being forwarded to Technology Center 2881.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/499,675 | 07/08/2009 | Masanobu KUMAKAWA | NGTOSH.064AUS | 1773 |

20995 7590 11/18/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

| EXAMINER | |
|---|---|
| HAROLD, JEFFEREY F | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2422 | |

| 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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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NOV 18 2010

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: Masanobu Kumakawa
Application No. 12/499,675
Filed: July 8, 2009
For: ELECTRONIC APPARATUS AND DISPLAY CONTROL METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 20, 2010, to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the 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 failed to meet the requirement of item (5c) above.

Regarding item (5c), petitioner did not provide one or more statements that the English translations of the Japanese Office Actions mailed or drafted on 10/13/2009, 1/18/2010 and/or 4/26/2010 are accurate.

Accordingly, 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.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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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. |
|---|---|---|---|---|
| 12/499,675 | 07/08/2009 | Masanobu KUMAKAWA | NGTOSH.064AUS | 1773 |

20995 7590 12/16/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

| EXAMINER | |
|---|---|
| YENKE, BRIAN P | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2422 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 12/16/2010 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Masanobu Kumakawa
Application No. 12/499,675
Filed: July 8, 2009
For: **ELECTRONIC APPARATUS AND DISPLAY CONTROL METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed December 7, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the 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).

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 Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

UNITED STATES 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 : November 1,2011

In re Application of :

Maike Schmidt

Application No : 12499692

Filed : 08-Jul-2009

Attorney Docket No : 146392010300

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 November 1,2011

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 Genentech, Inc.
Name2
Address 1 1 DNA Way
Address 2
City South San Francisco
State CA
Postal Code 94080
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**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12499692 |
| Filing Date | 08-Jul-2009 |
| First Named Inventor | Maike Schmidt |
| Art Unit | 1642 |
| Examiner Name | LAURA GODDARD |
| Attorney Docket Number | 146392010300 |
| Title | METHODS AND COMPOSITIONS FOR DIAGNOSTIC USE FOR TUMOR TREATMENT |

◉ 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 | Genentech, Inc. |
| Address | 1 DNA Way |
| City | South San Francisco |
| State | CA |
| Postal Code | 94080 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /Catherine Polizzi/ |
| Name | Catherine M. Polizzi |
| Registration Number | 40130 |

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**COOLEY LLP**
**ATTN: Patent Group**
**Suite 1100**
**777-6th Street, NW**
**Washington, DC 20001**

MAILED

DEC 06 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Matthew Clark McCline, et al. | : | |
| Application No. 12/499,697 | : | DECISION ON PETITION |
| Filed: July 8, 2009 | : | TO WITHDRAW |
| Attorney Docket No. GREP-002/00US 310568-2002 | : | FROM RECORD |
| | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cooley LLP has been revoked by the assignee of the patent application on November 22, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **LAW OFFICES OF BARRY N. YOUNG**
**200 Page Mill Road**
**Suite 102**
**Palo Alto, CA 94306-2061**

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. |
|---|---|---|---|---|
| 12/499,700 | 07/08/2009 | Naoyuki Oe | SUSU133501 | 1818 |

7590 08/17/2011

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

| EXAMINER | |
|---|---|
| BARRON JR, GILBERTO | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2432 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 08/17/2011 | ELECTRONIC |

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nicmi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 12/499,715 | 07/08/2009 | Hideyuki NAKAGAWA | SUTOSH.432AUS | 1844 |

20995 7590 11/29/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

| EXAMINER | |
|---|---|
| ANDERSON, MATTHEW D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2618 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 11/29/2010 | 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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of
NAKAGAWA, HIDEYUKI
Application No. 12/499,715
Filed: July 8, 2009
Attorney Docket No. **SUTOSH.432AUS**

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 October 6, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

_____

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Application of :
Shuji Nakamura :
Application No.: 12/499,909 : ON PETITION
Filed: July 9, 2009 :
Attorney Docket No.: 16869S-151210US :

This is a decision on the petition, filed February 18, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Jesus Del Castillo appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on January 25, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[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 2186 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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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**VOLPE AND KOENIG, P.C.**
**DEPT. ICC**
**UNITED PLAZA**
**30 SOUTH 17TH STREET**
**PHILADELPHIA PA 19103**

MAILED
NOV 23 2010
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Nadir Sezgin, et al. | : | |
| Application No. 12/499,918 | : | DECISION ON PETITION |
| Filed: July 9, 2009 | : | |
| Attorney Docket No. I-2-0139US07 | : | |

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 6, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 6, 2010. Accordingly, the date of abandonment of this application is October 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

***Note: In order to have the RCE and Information Disclosure Statement filed October 7, 2010 considered, a petition to withdraw an application from issue under 37 CFR 1.313 (c)(2) along with $130 petition fee must be filed with the Office of Petitions before issuance.***

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**VOLPE AND KOENIG, P.C.**
**DEPT. ICC**
**UNITED PLAZA**
**30 SOUTH 17TH STREET**
**PHILADELPHIA PA 19103**

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Nadir Sezgin, et al. | : | |
| Application No. 12/499,918 | : | DECISION GRANTING PETITION |
| Filed: July 9, 2009 | : | UNDER 37 CFR 1.313(c)(2) |
| Attorney Docket No. I-2-0139US07 | | |

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 3, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on October 7, 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 2474 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the information disclosure statement filed October 7, 2010.

/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.*

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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**VOLPE AND KOENIG, P.C.**
**DEPT. ICC**
**UNITED PLAZA**
**30 SOUTH 17TH STREET**
**PHILADELPHIA PA 19103**

MAILED
APR 10 2012
OFFICE OF PETITIONS

In re Application of
Nadir Sezgin et al
Application No. 12/499,918
Filed: July 9, 2009
Attorney Docket No. 1-2-0139US07

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed, March 27, 2012.

The request is **GRANTED in-part**.

Applicant files the above request for refund and states that "Pursuant to 37 C.F.R. §1.26 a refund of One Thousand Eight Hundred Ten Dollars ($1,810.00) is requested for fees charged to the credit card of Thomas A. Mattioli on October 8, 2010. Said fees were required to be put with the filing of the Petition on October 8, 2010. Said fees were required to be paid with the filing of the Petition to Revive filed on October 7, 2010. As a result of the USPTO increasing the amount due for issue fees, the issue fee and publication fee in the amount of Two Thousand Forty Dollars ($2,040.00) were again paid on January 30, 2012 through InterDigital's deposit account no. 090435."

In view of the above, a total of $1,510.00 ($1,740 - $230) is being credited to petitioner's deposit account as authorized.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

**Doc Code: PPH.PCT.652**
**Document Description: Petition to make special under PCT-Patent Pros Hwy**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

| | | | |
|---|---|---|---|
| Application No: | 12/499,929 | Filing date: | 07/09/2009 |
| First Named Inventor: | Alexander B. Rabovsky | | |
| Title of the Invention: | Mineral Amino Acid Polysaccharide Complex | | |

**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/US2009/050111

**The international filing date of the corresponding PCT application(s) is/are:** 07/09/2009

**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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/499,929 |
| First Named Inventor: | Alexander B. Rabovsky |

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 |
|---|---|---|
| 1-31 | 1-31 | Clasim 1-31 in the US Application are the same as those in the |
| | | corresponding PCT Application |
| 32-44 | - | Claims 32-44 have been canceled without prejudice in the US Application |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature /Angela D. Follett/ | Date 05/11/2011 |
| Name (Print/Typed) Angela D. Follett | Registration Number 60,365 |

# 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. |
|---|---|---|---|---|
| 12/499,929 | 07/09/2009 | Alexander B. Rabovsky | 09143-0032001 | 1331 |

26191 7590 09/15/2011
FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

| EXAMINER | |
|---|---|
| HAGHIGHATIAN, MINA | |
| ART UNIT | PAPER NUMBER |
| 1616 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 09/15/2011 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 15 2011

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

| | | |
|---|---|---|
| In re Application of | : | DECISION ON REQUEST TO |
| RABOVSKY ET AL. | : | PARTICIPATE IN PATENT |
| Application No. 12/499,929 | : | PROSECUTION HIGHWAY |
| Filed: July 9, 2009 | : | PROGRAM AND PETITION |
| Attorney Docket No. 09143-0032001 | : | 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 May 11, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 12, 2012

In re Application of :

Alexander Rabovsky

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12499929

Filed : 09-Jul-2009

Attorney Docket No : 09143-0032001

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 12, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1616 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/140<br>U.S. Patent and Trademark Office<br>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 | 12499929 |
| Filing Date | 09-Jul-2009 |
| First Named Inventor | Alexander Rabovsky |
| Art Unit | 1616 |
| Examiner Name | MINA HAGHIGHATIAN |
| Attorney Docket Number | 09143-0032001 |
| Title | MINERAL AMINO ACID POLYSACCHARIDE COMPLEX |

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<br><br>◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)<br><br>◯ 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.<br><br>☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :<br>The RCE request ,submission, and fee have already been filed in the above-identified application on<br><br>☒ Are attached. |
| THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES<br><br>I certify, in accordance with 37 CFR 1.4(d)(4) that I am:<br><br>◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.<br><br>◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.<br><br>◯ A sole inventor<br><br>◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors<br><br>◯ A joint inventor; all of whom are signing this e-petition<br><br>◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71 |

| | |
|---|---|
| Signature | /Angela D. Follett/ |
| Name | Angela D. Follett |
| Registration Number | 60365 |

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: | 12/499,938 | Filing date: | July 9, 2009 |
| First Named Inventor: | Aaron Richard Kreider | | |
| Title of the Invention: | TWO-WIRE LOOP PROCESS IO TRANSMITTER POWERED FROM THE TWO-WIRE LOOP | | |

**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/IB2010/001684

**The international filing date of the corresponding PCT application(s) is/are:** July 8, 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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

| | |
|---|---|
| Application No.: | 12/499,938 |
| First Named Inventor: | Aaron Richard Kreider |

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on October 26, 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 October 26, 2011

**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|---|---|---|
| 1-22 | 1-22 | Claims 1-22 of the PCT application are directly based on claims 1-22 of the U.S. Priority Application. |
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**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

| | |
|---|---|
| Signature E. R. Swanson | Date November 3, 2011 |
| Name (Print/Typed) Erik R. Swanson | Registration Number 40,833 |

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
FEB 01 2012
OFFICE OF PETITIONS

**Leydig, Voit & Mayer, Ltd. (Frankfurt office)**
**Two Prudential Plaza, Suite 4900**
**180 North Stetson Avenue**
**Chicago IL 60601-6731**

In re Application of : DECISION ON REQUEST TO
Aaron Richard KREIDER et al. : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/499,938 : AND PETITION TO MAKE SPECIAL
Filed: July 9, 2008 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 810825
For: TWO-WIRE LOOP PROCESS IO TRANSMITTER POWERED FROM THE TWO-WIRE LOOP

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 November 3, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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.

Requirement (1) to (4) and (6) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (5).

Regarding the requirement of condition (5), condition (5) is not met as a Notice of Allowance and Fee(s) Due was mailed January 19, 2012.

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.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**QUALCOMM INCORPORATED**
**5775 MOREHOUSE DR.**
**SAN DIEGO CA 92121**

MAILED

SEP 13 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| John W. KETCHUM et al. | : | |
| Application No. 12/499,951 | : | DECISION ON PETITION |
| Filed: July 09, 2009 | : | |
| Attorney Docket No. 010228D1 | : | |

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 03, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 14, 2011. Accordingly, the date of abandonment of this application is May 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are 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 of Data Management for processing into a patent.

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
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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Sung-Hyuk Shin, et al. :
Application No. 12/499,964 : DECISION ACCORDING STATUS
Filed: July 9, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: IPH-2-2149US02 :

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed July 27, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 2473 for appropriate action, including notifying applicant of the new status of this application.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES 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. MOHAMMED SAMMOUR
#10 HASAN SEDEQ ALSAUDI STREET
ALRABIEH, AMMAN 11110
JORDAN

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of.
Sung-Hyuk Shin, Philip J. Pietraski,
Mohammed Sammour and Erdem Bala
Application No. 12/499,964
Filed: July 9, 2010-09-23
For: METHOD AND APPARATUS FOR IMPLEMENTING NETWORK CODING IN A LONG TERM EVOLUTION ADVANCED SYSTEM:

LETTER

Dear Mr. Sammour:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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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**NIXON PEABODY, LLP**
**401 9TH STREET, NW**
**SUITE 900**
**WASHINGTON DC 20004-2128**

MAILED

OCT 19 2010

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Dreyer et al. | : | DECISION ON PETITION |
| Application No. 12/499,971 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 741439-56 | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 29, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

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. Current USPTO records do not list any recorded assignment concerning the above- identified application. 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
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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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE 13TH FLOOR
RESTON VA 20190

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of
Rhee, et al.
Application No. 12/499,978
Filed/Deposited: 9 July, 2009
Attorney Docket No. SEC.2433

DECISION

This is a decision on the petition filed on 3 February, 2012, considered pursuant to the regulations at 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

**NOTE:**

Petitioner refers to a telephone conversation with someone at the Office.

Petitioner, as one registered to practice before the Office, is well aware that such a reference is neither appropriate nor proper.

By regulation, all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the only proper authorities 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 or in-person discussion may be controlling or considered authority for Petitioner's action(s)/inaction(s).

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

[1] The regulations at 37 C.F.R. §1.2 provide:
**§1.2 Business to be transacted in writing.**
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

*Petitioner is directed to the Commentary at MPEP §711.03(c )(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c )(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

## BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 29 June, 2011, with reply due absent extension of time on or before 29 September, 2011

On 20 July, 2011, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[2] if it did not *prima facie* place the application in condition for allowance, and on 27 July, 2011, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 29 September, 2011.

The Office mailed the Notice of Abandonment on 3 February, 2012.

On 3 February, 2012, Petitioner Adam C. Volentine (Reg. No. 33,289) filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred a conversation with someone at the Office—in this case, the Examiner. Petitioner, as one registered to practice before the Office, is well aware that such a reference is neither appropriate nor proper. By

[2] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

regulation, all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the only proper authorities 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 or in-person discussion may be controlling or considered authority for Petitioner's action(s)/inaction(s).Thus, Petitioner failed to make the proper showing—and appears incapable of doing so. In any case, Petitioner is directed to the guidance in the Commentary at MPEP §711.03(c )(I) with regard to a petition pursuant to 37 C.F.R. §1.181 and MPEP §711.03(c )(II) with regard to a petition pursuant to 37 C.F.R. §1.137(b). Petitioner may find it beneficial to move stepwise through that guidance.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c )(I) provides in pertinent part as to timely fling:

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> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing

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[3] The regulations at 37 C.F.R. §1.2 provide:

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(i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [4]

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A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c )

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[5]

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.

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[4] *See*: MPEP §711.03(c ) (I)(B).

[5] 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). 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.[6],[7]

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.[8]

### Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

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[6] 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).

[7] 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.))

[8] 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).

Petitioner appears not to have made the showing required.

## CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

## ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c )

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
**(571) 273-8300**
Attn: Office of Petitions

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[9]) 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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[9] The regulations at 37 C.F.R. §1.2 provide:

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UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE 13TH FLOOR
RESTON VA 20190

**MAILED**
MAR 12 2012
**OFFICE OF PETITIONS**

In re Application of
Rhee, et al.
Application No. 12/499,978
Filed/Deposited: 9 July, 2009
Attorney Docket No. SEC.2433

DECISION

This is a decision on the petition filed on 6 March, 2012, , considered pursuant to the regulations at 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

**NOTE:**

Petitioner alleges factual errors, but ignores the express statement of the Advisory Action of 27 July, 2011, to wit: "THE REPLY FILED 20 JULY, 2011, FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE." (Emphasis the original)

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

*Petitioner is directed to the Commentary at MPEP §711.03(c )(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c )(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

## BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 29 June, 2011, with reply due absent extension of time on or before 29 September, 2011

On 20 July, 2011, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 27 July, 2011, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 29 September, 2011.

The Office mailed the Notice of Abandonment on 3 February, 2012.

On 3 February, 2012, Petitioner Adam C. Volentine (Reg. No. 33,289) filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred a conversation with someone at the Office—in this case, the Examiner. Petitioner, as one registered to practice before the Office, is well aware that such a reference is neither appropriate nor proper. By regulation, all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the only proper authorities 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 or in-person discussion may be controlling or considered authority for Petitioner's action(s)/inaction(s).Thus, Petitioner failed to make the proper showing—and appeared incapable of doing so. The petition was dismissed on 2 March, 2012.

On 6 March, 2012, Petitioner re-advanced the petition and asserted factual errors, to wit:

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[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

[2] The regulations at 37 C.F.R. §1.2 provide:

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- The "Examiner did grant entry"; and

- "[T]here can be no disputing that the Amendment After Final *prima facie* placed the application for allowance."

Petitioner made the assertions in the face of an express statement of the advisory action. to wit: "THE REPLY FILED 20 JULY, 2011, FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE." (Emphasis the original. Further, while the Examiner agreed entry "for the purposes of appeal," the history herein is clear that Petitioner filed no Notice of Appeal and fee and no Appeal Brief and Fee.

Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than unintentional.

In any case, Petitioner is directed to the guidance in the Commentary at MPEP §711.03(c )(I) with regard to a petition pursuant to 37 C.F.R. §1.181 and MPEP §711.03(c )(II) with regard to a petition pursuant to 37 C.F.R. §1.137(b). Petitioner may find it beneficial to move stepwise through that guidance.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c )(I) provides in pertinent part as to timely fling:

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A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c )

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## 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.[5],[6]

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.

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Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

## CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

## ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c )

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Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than unintentional.

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/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE 13TH FLOOR
RESTON VA 20190

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of
Rhee, et al.
Application No. 12/499,978
Filed/Deposited: 9 July, 2009
Attorney Docket No. SEC.2433

DECISION

This is a decision on the petition filed on 15 March, 2012, considered pursuant to the regulations at 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

**NOTE:**

Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than unintentional.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

*Petitioner is directed to the Commentary at MPEP §711.03(c )(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c )(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

## BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 29 June, 2011, with reply due absent extension of time on or before 29 September, 2011

On 20 July, 2011, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 27 July, 2011, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 29 September, 2011.

The Office mailed the Notice of Abandonment on 3 February, 2012.

On 3 February, 2012, Petitioner Adam C. Volentine (Reg. No. 33,289) filed a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred a conversation with someone at the Office—in this case, the Examiner. Petitioner, as one registered to practice before the Office, is well aware that such a reference is neither appropriate nor proper. By regulation, all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the only proper authorities 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 or in-person discussion may be controlling or considered authority for Petitioner's action(s)/inaction(s).Thus, Petitioner failed to make the proper showing—and appeared incapable of doing so. The petition was dismissed on 2 March, 2012.

On 6 March, 2012, Petitioner re-advanced the petition and asserted that: the "Examiner did grant entry"; and "[T]here can be no disputing that the Amendment After Final *prima facie* placed the

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[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

[2] The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

application for allowance"—and Petitioner made the assertions notwithstanding the express statement of the advisory action. to wit: "THE REPLY FILED 20 JULY, 2011, FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE." (Emphasis the original.) Further, while the Examiner agreed entry "for the purposes of appeal," the history herein is clear that Petitioner filed no Notice of Appeal and fee and no Appeal Brief and Fee. The petition was dismissed on 12 March, 2012.

Petitioner re-advanced the petition on 15 March, 2012, and in doing so demanded an answer to the question: did the amendment place the application in condition for allowance? In so doing, Petitioner ignored the written record. If Petitioner thought at the time of the 27 July, 2011, Advisory Action the Examiner was in error, Petitioner failed to timely and properly make that that thinking of record. And if in Petitioner's averred 28 July, 2011, discussion with the Examiner Petitioner received the agreement of the Examiner that the application was in condition for allowance, it was the responsibility of the Petitioner to timely and properly make that information of record—*e.g.*, submission of an Interview Summary (and/or a Notice of Appeal or request for continued examination and fee and submission pursuant to 37 C.F.R. §1.114 in the form of an amendment). However, Petitioner made the choice to do nothing. In so doing Petitioner left of record the status set forth in the 27 July, 2011, Advisory Action and allowed the application to go abandoned. The Office will not participate in argument with Petitioner. Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than unintentional. As before, the choice is Petitioner's.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c )(I) provides in pertinent part as to timely fling:

> ***
>
> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of

abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [3]

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A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c )

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations

[3] *See*: MPEP §711.03(c ) (I)(B).

made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

## STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[5,6],

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

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[4] 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).

[5] 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).

[6] 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.))

> and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[7]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

## CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

## ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c )

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Petitioner is cautioned that the failure to promptly and properly submit a petition with fee pursuant to 37 C.F.R. §1.137(b) to revive an application abandoned due to unintentional delay may be considered *indicia* of a delay that is other than unintentional.

Further correspondence with respect to this matter should be addressed as follows:

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[7] 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).

By Mail: Mail Stop PETITION
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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[8]) 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

[8] The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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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. |
|---|---|---|---|---|
| 12/500,013 | 07/09/2009 | Kay Lynn Hertlein | HertleinK_CIP_1_05 | 1515 |

34442 7590 03/13/2012

PATRICIA M. COSTANZO
PATS PENDING
P.O. BOX 101
ELMA, NY 14059

| EXAMINER | |
|---|---|
| HAYES, KRISTEN C | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3643 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 03/13/2012 | 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):

law@patcostanzo.com

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MAR 1 2 2012

PATRICIA M. COSTANZO
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ELMA, NY 14059

| | | |
|---|---|---|
| In re Application of | : | |
| Hertlein | : | Decision on Petition |
| Application No. 12/500,013 | : | Filed Under |
| Filed: July 9, 2009 | : | 35 U.S.C. 1.181 |
| For: TELESCOPING PLANT SUPPORT WITH SIZE ADJUSTABLE SUPPORT BASE | : | |

This is a decision on applicant's petition filed on October 31, 2011 entitled: "Complaint to Supervisor Re: Final Office Action and Request for New Office Action and New Examiner" which has been treated as a petition for Supervisory Review under 35 U.S.C. 1.181.

The petition is **DISMISSED** for the following reasons:

On September 12, 2011 a final office action was mailed by the examiner. On October 31, 2011 the instant petition was filed outlining numerous issues with the final office action of September 12, 2011 that the applicant believed was in error and had requested a new office action and a newly appointed examiner. On December 14, 2011 the examiner had mailed a non-final office action effectively withdrawing the final office action of September 12, 2011.

A review of the issues set forth in the instant petition against the non-final office action of December 14, 2011 reveals that many of the issues noted by the applicant no longer exists in the current non-final office action. The following issues as noted in the petition which appear to remain is addressed as follows:

On page 2 of the instant petition, applicant addresses the examiner's objection to claim 1 wherein the examiner had asked for clarification as to whether the "perimeter-size adjustable base is being positively recited". Based on applicant's statement in the current petition that claim 1, i.e. "the perimeter size-adjustable base is positively recited" and is a "structural description" it is clear on the record that such perimeter size-adjustable base is a positively recited structure and therefore the examiner's objection has been withdrawn. It is noted that what may have led to the confusion by the examiner is applicant's use of the term "attachable to" in claim 1 line 7 prior to the

recitation of "a perimeter size-adjustable base". It is recommended that in order to avoid such confusion as to whether such base is positively recited, the term "attachable" should be changed to -- attached --.

The remaining issues beginning on page 7 of the instant petition beginning with "O.A. Page 9 Response to Arguments, No. 37:" and ending on page 9, these remarks by the applicant pertains to the merits of the rejection and is appealable subject matter rather than petitionable and is therefore DISMISSED.

With respect to the request for a new office action and the appointment of a new examiner, it is noted that the examiner had subsequently issued a new office action on December 14, 2011. With respect to the appointment of a new examiner, a review of the file history does not display any issues that would prevent the applicant from receiving a fair examination of the invention. Nor is there any evidence of any arbitrary or capricious actions on the part of the examiner assigned to examine the application. Therefore applicants request to appoint a new examiner for the instant application is DENIED.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Peter M. Poon at (571) 272-6891.

Katherine Matecki

Katherine A. Matecki, Director
Patent Technology Center 3600
(571) 272-5250

KM/pmp: 3/7/12

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**Theologos G. Kafantaris**
**96 Discovery**
**Irvine CA 92618**

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Richard A. Lopez et al. :
Application No. 12/500,044 : DECISION ON PETITION
Filed: July 9, 2009 :
Attorney Docket No. LO07092009 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed November 11, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 12, 2011. A Notice of Abandonment was mailed on May 19, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1761 for appropriate action by the Examiner in the normal course of business on the reply received July 8, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

| | |
|---|---|
| **Doc Code: PET.AUTO**<br>**Document Description: Petition automatically granted by EFS-Web** | PTO/SB/83<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS** |
| Application Number | 12500048 |
| Filing Date | 09-Jul-2009 |
| First Named Inventor | David Barry |
| Art Unit | 3689 |
| Examiner Name | |
| Attorney Docket Number | PARC-1-1001-1 |
| Title | UNIVERSAL ADVERTISING DIRECTORY |

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 59520

The reason(s) for this request are those described in 37 CFR:

10.40(c)(2)

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 Barry |
| Address | 502 E. 14th Street |
| City | Davis |
| State | CA |
| Postal Code | 95616 |
| Country | US |

| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
|---|---|
| Signature | /James J. Ruttler/ |
| Name | James J Ruttler |
| Registration Number | 56919 |

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Commissioner for Patents
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Decision Date : November 16,2011

In re Application of :

David Barry

Application No : 12500048

Filed : 09-Jul-2009

Attorney Docket No : PARC-1-1001-1

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 November 16,2011

The request is **APPROVED.**

The request was signed by James J Ruttler (registration no. 56919 ) on behalf of all attorneys/agents associated with Customer Number 59520 . All attorneys/agents associated with Cusotmer Number 59520 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 Barry |
| Name2 | |
| Address 1 | 502 E. 14th Street |
| Address 2 | |
| City | Davis |
| State | CA |
| Postal Code | 95616 |
| 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.

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**SUITE 500**
**MCLEAN VA 22102-3833**

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AUG 0 3 2010

OFFICE OF PETITIONS

| | | |
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| In re Application of | : | |
| **GILON**, Yoel et al. | : | |
| Application No. 12/500,101 | : | NOTICE UNDER 37 CFR. 1.28(c) |
| Filed: July 09, 2009 | : | |
| Attorney Docket No. **T4339-15141US01** | : | |

This is a notice regarding your renewed 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 Examiner
Office of Petitions

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**GREENBERG TRAURIG LLP (LA)**
**C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE**
**77 WEST WACKER DRIVE, SUITE 3100**
**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

MAILED

APR 19 2011

OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,116 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200100 | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

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. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, requesting to withdraw without providing the appropriate Customer Number is not the appropriate course.

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) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GREENBERG TRAURIG LLP (LA)**
**C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE**
**77 WEST WACKER DRIVE, SUITE 3100**
**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

| | | |
|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,116 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200100 | : | |

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Bradley D. Blanche on behalf of all attorneys/agents of record who are associated with Customer Number 33717. All attorneys/agents associated with Customer Number 33717 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, Edson Silvà, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: EDSON SILVA
C/O NEXXERA
RUA DOM JAIME CAMARA
259 - CENTRO
FLORIANOPOLIS, SANTA CATARINA CEP 8-8015 BR BRAZIL

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**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

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APR 19 2011

OFFICE OF PETITIONS

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|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,149 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200200 | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

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. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, requesting to withdraw without providing the appropriate Customer Number is not the appropriate course.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed January 24, 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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**77 WEST WACKER DRIVE, SUITE 3100**
**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

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|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,149 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200200 | : | |

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Bradley D. Blanche on behalf of all attorneys/agents of record who are associated with Customer Number 33717. All attorneys/agents associated with Customer Number 33717 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, Edson Silva, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: EDSON SILVA
C/O NEXXERA
RUA DOM JAIME CAMARA
259 - CENTRO
FLORIANOPOLIS, SANTA CATARINA CEP 8-8015 BR BRAZIL

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**C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE**
**77 WEST WACKER DRIVE, SUITE 3100**
**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

MAILED

APR 19 2011

OFFICE OF PETITIONS

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|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,173 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200300 | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

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. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, requesting to withdraw without providing the appropriate Customer Number is not the appropriate course.

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) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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**C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE**
**77 WEST WACKER DRIVE, SUITE 3100**
**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

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|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,173 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200300 | : | |

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Bradley D. Blanche on behalf of all attorneys/agents of record who are associated with Customer Number 33717. All attorneys/agents associated with Customer Number 33717 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, Edson Silva, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: EDSON SILVA
C/O NEXXERA
RUA DOM JAIME CAMARA
259 - CENTRO
FLORIANOPOLIS, SANTA CATARINA CEP 8-8015 BR BRAZIL

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**C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE**
**77 WEST WACKER DRIVE, SUITE 3100**
**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

MAILED
APR 19 2011
OFFICE OF PETITIONS

| | | |
|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,205 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200400 | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

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. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, requesting to withdraw without providing the appropriate Customer Number is not the appropriate course.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed April 14, 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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**C/O: GREENBERG TRAURIG LLP CHICAGO OFFICE**
**77 WEST WACKER DRIVE, SUITE 3100**
**INTELLECTUAL PROPERTY DEPARTMENT**
**CHICAGO IL 60601**

**MAILED**

JUN 06 2011

**OFFICE OF PETITIONS**

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|---|---|---|
| In re Application of | : | |
| Silva, Edson | : | DECISION ON PETITION |
| Application No. 12/500,205 | : | TO WITHDRAW |
| Filed: July 9, 2009 | : | FROM RECORD |
| Attorney Docket No. 116454.200400 | : | |

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Bradley D. Blanche on behalf of all attorneys/agents of record who are associated with Customer Number 33717. All attorneys/agents associated with Customer Number 33717 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, Edson Silva, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: EDSON SILVA
C/O NEXXERA
RUA DOM JAIME CAMARA
259 - CENTRO
FLORIANOPOLIS, SANTA CATARINA CEP 8-8015 BR BRAZIL

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OFFICE OF PETITIONS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

| | | |
|---|---|---|
| In re Application of | : | |
| Michael Arneson, et al. | : | DECISION NOTING JOINDER OF |
| Application No. 12/500,232 | : | INVENTOR AND PETITION |
| Filed: July 9, 2009 | : | UNDER 37 CFR 1.47(a) |
| Attorney Docket No.: 0095.1121 | : | |

Papers filed on July 16, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed May 17, 2010, included a Declaration signed by a previously non-signing inventor, Kevin J. Powell, in compliance with 37 CFR 1.63.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center AU 1618 for further prosecution.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**ALSTON & BIRD LLP**
**BANK OF AMERICA PLAZA**
**101 SOUTH TRYON STREET, SUITE 4000**
**CHARLOTTE, NC 28280-4000**

MAILED
NOV 03 2010
OFFICE OF PETITIONS

In re Application of
Myka et al.
Application No. 12/500,264
Filed: July 9, 2009
Attorney Docket No. P4750US01

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 12, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on November 1, 2010 the power of attorney to Alston & Bird, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria VA 22314

| Doc Code: PET.AUTO<br>Document Description: Petition automatically granted by EFS-Web | PTO/SB/140<br>U.S. Patent and Trademark Office<br>Department of Commerce |
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|---|---|
| Electronic Petition Request | **PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)** |
| Application Number | 12500285 |
| Filing Date | 09-Jul-2009 |
| First Named Inventor | Shin-ichi KADOWAKI |
| Art Unit | 2627 |
| Examiner Name | JOSEPH HALEY |
| Attorney Docket Number | 10873.1261USD3 |
| Title | OPTICAL STORAGE MEDIUM, INFORMATION RECORDING APPARATUS, AND INFORMATION REPRODUCING APPARATUS |

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<br><br>◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)<br><br>◯ 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.<br><br>☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :<br>The RCE request ,submission, and fee have already been filed in the above-identified application on<br><br>☒ Are attached. |
| THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES<br><br>I certify, in accordance with 37 CFR 1.4(d)(4) that I am:<br><br>◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.<br><br>◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.<br><br>◯ A sole inventor<br><br>◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors<br><br>◯ A joint inventor; all of whom are signing this e-petition<br><br>◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71 |

| | |
|---|---|
| Signature | /Curtis B. Hamre/ |
| Name | Curtis B. Hamre |
| Registration Number | 29165 |

UNITED STATES 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 7,2011

In re Application of :

Shin-ichi KADOWAKI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12500285

Filed : 09-Jul-2009

Attorney Docket No : 10873.1261USD3

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 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 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 2627 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.**:20111114

**DATE** : October 26, 2011

**TO SPE OF** : ART UNIT 3635

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7984598

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
**Certificates of Correction Branch - ST (South Tower) 9A22**
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance** **Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☒ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

**Comments:**

All corrections are approved except for the following corrections: The correction to column 4, line 41 is not correct. The patent at column 4, line 41 already reads "right-angle". Therefore, there is no reason to change it to "right-angle". The correction of column 5, line 48 is also not correct. The patent reads correctly, i.e. "the tabs 20 of the position retention mechanism open into both sets of notches" Thus, the tabs open, not the tabs opens.

/BRIAN GLESSNER/
Supervisory Patent Examiner.Art Unit 3633

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
FEB 23 2012
OFFICE OF PETITIONS

In re Application of :
SHIOZAKI et al :
Application No. 12/500,323 : DECISION ON PETITION
Filed: 07/09/2009 :
Attorney Docket No. 142170 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to submit corrected drawings in a timely manner in response to the Notice of Allowability, mailed September 19, 2011, which set a statutory period of three (3) months to reply. In the absence of the timely submission of corrected drawings, the application became abandoned on December 20, 2011. On January 11, 2012, a Notice of Abandonment was mailed.

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, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**NEUSTEL LAW OFFICES, LTD.**
**2534 SOUTH UNIVERSITY DRIVE**
**SUITE 4**
**FARGO ND 58103**

**MAILED**

MAR 22 2011

**OFFICE OF PETITIONS**

In re Application of :

Sargent, Thimothy J. :
Application No. 12/500,362 : DECISION ON PETITION
Filed: July 09, 2009 : TO WITHDRAW
Attorney Docket No. SARG-001 : 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 Michael Neustel on behalf of all attorneys of record who are associated with customer No. 65215. All attorneys/agents associated with the Customer Number 62515 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Timothy Sargent at the address indicated below. There is an outstanding Office action mailed December 06, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **TIMOTHY SARGENT**
**109 WEST MAIN STREET SOUTH**
**ADA MN 56510**