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: 81190354	Application Number (if known): 12/512,640	Filing date: July 30, 2009
First Named Inventor: Douglas Allan Dobson		
Title: METHODS AND SYSTEMS FOR DIAGNOSTICS OF AN EMISSION SYSTEM WITH MORE THAN ONE SCR REGION		

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 /John D. Russell/	Date March 31, 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*.*

[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

Applicants	:	Douglas Allan Dobson et al.
Application No.	:	12/512,640
Filed	:	July 30, 2009
Title	:	METHODS AND SYSTEMS FOR DIAGNOSTICS OF AN EMISSION SYSTEM WITH MORE THAN ONE SCR REGION
Group Art Unit	:	2855
Confirmation No.	:	6111
Docket No.	:	81190354

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:

March 31, 2011	/Angie C. Farr/
Date	Angie C. Farr

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 bases: (1) the claimed invention materially enhances the quality of the environment.

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.

Regarding basis (1), Applicants submit that the claimed invention materially enhances the quality of the environment by lowering NOx emissions, which negatively impact the quality of the environment. Selective catalytic reduction (SCR) systems may be used in a vehicle to facilitate reduction of engine output NOx by a reductant, such as

urea or ammonia. An SCR system involves injecting the reductant upstream of an SCR catalyst where the reductant, or reductant products, can react with NOx to create byproducts such as nitrogen and water. Various SCR emission control system configurations are provided directed to balancing high NOx conversion efficiency while reducing reductant slip. An SCR emission control system may include more than one SCR region in series (such as a first and second SCR region), with reductant delivery upstream of each of the SCR regions. The reductant delivery may be a reductant injector, or a reductant generation devices, such as a lean NOx trap operating with rich exhaust gas.

Each of the SCR regions may comprise a catalyst bed within an SCR catalyst, a region within an SCR catalyst, and/or an SCR catalyst itself. By including more than one SCR region in series, a risk of reductant slip from a first SCR region during periods of high reductant injection may be reduced, as slipped reductant may be caught and stored at the second SCR region instead of being emitted through an exhaust tailpipe.

In order to control an SCR region's capacity for converting NOx, SCR regions may be selectively designed to hold a predetermined amount of washcoat per unit area or volume. For example, a first SCR region (e.g., most upstream) may be designed to have a smaller volume and a greater washcoat density than a second SCR region. Such a first SCR region may be a "light-off" catalyst, such that it may be able to quickly achieve high levels of NOx conversion (e.g., during engine warm-up). In another example, a washcoat loading of a first SCR region may be limited, and thus an amount of reductant storage may be limited. In such a case, an oxidation catalyst may be positioned downstream of a first SCR region to capture and convert a portion of slipped reductant to NOx, which can be subsequently delivered to the second SCR region downstream of the oxidation catalyst.

During operation, SCR systems may experience various forms of degradation, such as contamination, thermal degradation, etc. However, in the example of multiple SCR regions, different levels of degradation of the different SCR regions may trigger emission levels to rise above a threshold. Traditional methods for detecting SCR degradation may not take the different regions into account, and therefore may not provide an accurate degradation reading. The claimed invention addresses this issue by

differentiating the performance levels of the different SCR regions, and thus applying different threshold degradation levels to the different SCR regions. For example, claim 1 recites:

> A method for diagnosing a first SCR region and/or a second SCR region positioned in series, the method comprising:
>
> indicating degradation based on a first SCR region performance during a first condition; and
>
> indicating degradation based on a second SCR region performance during a second condition, the first condition different than the second condition.

Degradation in a first and/or second SCR region may be diagnosed based on a first SCR region performance during a first condition, and based on a second SCR region performance during a second condition, the first condition different than the second condition. In this way, diagnostics can take into account the differing effects of degradation among the various SCR regions on the overall emission levels. By doing so, accurate determination of SCR degradation can be made, thus reducing inadvertent NOx emissions due to a degraded SCR and enhancing the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

/John D. Russell/
John D. Russell
Registration No. 47,048
Customer No. 36865
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.
12/512,640	07/30/2009	Douglas Allen Dobson	81190354	6111

36865 7590 04/05/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
04/05/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
DOBSON et al.	:	DECISION ON PETITION
Application No. 12/512,640	:	TO MAKE SPECIAL UNDER
Filed: July 30, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81190354	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 31, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as enhancing the quality of the environment. The petition alleges that the claimed invention lowers NOx emissions. However, the claims are directed to a diagnostic method. 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 contribute to enhancing the quality of the environment. Any argument that the claimed invention lowers NOx emissions is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2855 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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:	12/512,674	Filing date:	2009-07-30
First Named Inventor:	Matthew McLean		
Title of the Invention:	Anchor Delivery System With Replaceable Cartridge		

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/US2009/052271

The international filing date of the corresponding PCT application(s) is/are: 30 July 2009

I. List of Required Documents:

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

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

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

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

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

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

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

(continued)

Application No.:	12/512,674
First Named Inventor:	Matthew McLean

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 04-16-2010

(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 04-16-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
23	21-24	
24	25	
25	26	
26	27	
27	28	
28	29	
29	30	
30	31	
31	32	
32	33	
33	34	
34	35	
35	36	
36	37	
37	38	
38	39	
39	40	
40	41	
41	42	CLAIMS LISTING TO BE CONTINUED ON PAGE 3

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

Signature /John V. Hanley/	Date 2011-02-16
Name (Print/Typed) John V. Hanley	Registration Number 38,171

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.:	12/512,674
First Named Inventor:	Matthew McLean

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 04-16-2010

(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 04-16-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
42	43	
43	44	
44	45	
45	46	

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

Signature /John V. Hanley/	Date 2011-02-16
Name (Print/Typed) John V. Hanley	Registration Number 38,171

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 83455.0063.PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/052271	International filing date *(day/month/year)* 30 July 2009 (30.07.2009)	Priority date *(day/month/year)* 30 July 2008 (30.07.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NEOTRACT, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☒	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☒	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☒	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 01 February 2011 (01.02.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Simin Baharlou e-mail: pt09.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

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

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/052271	30.07.2009	30.07.2008

International Patent Classification (IPC) or both national classification and IPC
INV. A61B17/04 A61B17/42

Applicant
NEOTRACT, INC.

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

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 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 D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Strazdauskas, Gedas Telephone No. +49 89 2399-5773

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/052271

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. II Priority

1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

   see separate sheet

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☒ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☐ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☒ all parts.

   ☐ the parts relating to claims Nos. 1-46

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	7-13, 17-20, 24-46
	No:	Claims	1-6, 14-16, 21-23
Inventive step (IS)	Yes:	Claims	7-13, 24-46
	No:	Claims	1-6, 14-23
Industrial applicability (IA)	Yes:	Claims	1-46
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

   and / or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

   see form 210

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 II

Priority

The priority claim of the current application has been checked and is valid.

Re Item IV.

Lack of unity of invention

This Authority considers that there are 2 inventions covered by the claims indicated as follows:

I. Claims 1 - 16,21 - 38: A needle spool assembly relating to the problem of finding an alternative means for controlling the position of the needle assembly.

II. Claims 17-20, 39-46: A controlling system including three actuators relating to the problem of improving control over separate operations performed by the delivery device.

The subject - matter of claims 1 - 6, 14 - 16 and 21 - 23 is already known from, or rendered obvious by, the prior art document D1 (see V.2 and V.4, below). Accordingly, potential special technical features of the claims, representing a possible contribution over the closest prior art document D1, relate to those indicated in the groups of claims listed above.

The subject - matter of these groups of claims is not so linked as to form a single inventive concept (Rule 13.1 PCT), since there is apparently no technical relationship in the sense of Rule 13.2 PCT between these groups of special technical features and their corresponding technical problems solved.

Re Item V.

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

Reference is made to the following documents:

D1: US 2007/142846 A1 (CATANESE JOSEPH III [US] ET AL) 21 June 2007 (2007-06-21) cited in the application

D2: WO 2009/009617 A (NEOTRACT INC [US]; MCLEAN MATTHEW [US]; CHENG FLORIA [US]; MERRICK DAN) 15 January 2009 (2009-01-15) cited in the application

D3: US 2003/204195 A1 (KEANE MICHAEL [US] ET AL) 30 October 2003 (2003-10-30)

D4: EP-A-1 852 071 (ETHICON ENDO SURGERY INC [US]) 7 November 2007 (2007-11-07)

The present application does not meet the criteria of Article 33(1) PCT, because the subject - matter of independent claim 1 is not new (see following §1) in the sense of Article 33(2) PCT.

1 Conciseness

Although claims 1 and 21 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 or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2 Independent claim 1 and 21

The document D1 discloses (the references in parentheses applying to this document):

A system for treatment of body tissue (abstract, fig. 1), comprising:

an anchor assembly (figs. 7B and 7C; OR fig. 7D; pos. 82 and 94 ; see also §215, §221 and §222), the anchor assembly including

an anchor component (82) and a connector component (94); and

a delivery device (fig. 1, pos. 20), the delivery device including a needle assembly (§190; fig. 2A, pos. 58) and a cartridge assembly(figs. 7B and 7C; OR fig. 7D, pos. 144) , the cartridge assembly housing the anchor and connector components of the anchor assembly;

wherein the cartridge assembly *is suitable for* (see §4.1 below / Article 6 PCT) feed *ing* one component of the anchor assembly within the needle assembly and the cartridge assembly is replaceable.

The subject-matter of claim 21 is also not new over D1 (see §224-226 and the above argumentation which applies mutatis-mutandis)

3 Claims 39-46.

Please note that the subject-matter of claim 39 can only be considered as fulfilling the requirements of Article 33(2,3) PCT if the objections indicated under sec. VIII are overcome. The same applies with regard to claims 38-46 dependent on claim 39.

4 Dependent claims

Dependent claims 2-6 and 14-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, see D1 (figs. 7B, 7C and §221 and §222; please

note that claim 2 containing the formulation "can be attached" do not limit the scope of that claim any further, because anything can be attached to the device; similar applies with regard to claim 15).

5 Remarks

5.1 Some of the features of the divers, apparatus claims (e.g. in claim 1: "the cartridge **feeds** one component of the anchor assembly ...; "; in claim 21: "the actuator **accomplishes**"...; in claim 39: "wherein **actuation** of the first actuator **advances** the needle assembly and a portion of the anchor assembly, **actuation** of the second actuator **withdraws** the needle assembly and **actuation** of the third actuator **accomplishes** assembly of the anchors assembly " **etc...**) relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from these claims, contrary to the requirements of Article 6 PCT. For the purposes of the written opinion said features were interpreted replacing them by the features defining that the entities performing these functions are suitable, adapted or configured for perform these functions (e.g. "the cartridge is suitable for feeding...", "the second actuator is adapted to withdraw the needle assembly, etc...)

5.2 The vague and imprecise statements in the description in the last line of §116, imply that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity when used to interpret them.

5.3 Independent apparatus claims should have been drafted in the two-part form in accordance with Rule 6.3(b) PCT.

5.4 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

5.5 An incorporation of documents be reference (§ 1) is not possible in some of the Designate States.

Re Item VI

Certain documents cited

Certain published documents

Publication No	Publication date *(day/month/year)*	Filing date *(day/month/year)*	Priority date *(valid claim)* *(day/month/year)*
WO2009/009617	15.01.2009	9.07.2008	09.07.2007

Re Item VIII

Certain observations on the international application

Claim 39 is not supported by the description as required by Article 6 PCT, as its scope is broader than justified by the description and drawings. The description of the current application discloses the actuators which are configured to be actuated by a user as e.g. a lever. The meaning of a generic term "actuator" used in claim 39 is however much broader than its meaning defined in the description. Said generic term also encloses any intermediate part in a whole actuation chain, which is not necessary directly activated by a user. Furthermore the wording of claim 39 does not require for the first and second actuators in order to perform their respective functions as defined in claim 39 to be two seperate actuators. Whereas from the definitions of said actuators given in the description it is clear that they are two separate actuators configured to be actuated by a user. Thus the definitions of said actuators in claim 39 also cover all possible actuation ways wherein e.g. the first and second actuators merely differ in their function but correspond to the same physical actuator (button, lever). However the description does not provide any further details which are necessary for the skilled person for constructing the system as indicated in the given example. For the given reasons claim 39 partially lacks support in the description for said broad scope of said actuators as claimed therein. Furthermore in D1 actuator 310 (top mount lever) which is configured to activated by a user (see fig. 15C) performs two functions (see §267-275 in D1) i.e. it "is adapted to advance the needle assembly and a portion of the anchor assembly*" and after "a second end of a lower toggle link gets operatively associated with the needle advancement ratchet 366" it acts as the second actuator and thus it "is adapted to withdraw the needle assembly*". Hence when taken the broadest meaning of the actuator defined in claim 39, its subject-matter encompasses the system of D1.

It is clear that the description (see e.g. §24) only supports the various actuators of the system as being directly manually accessible structures.

Claim 39 does not meet the requirements of Article 6 PCT because the matter for which protection is sought is not clearly defined. The feature defining that "third actuator is adapted to accomplish assembly of the anchor assembly*" is just the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.

* for the cited wording of claim 39 the objections given in point 5.1 of Section V are to be considered.

We Claim:

1. A system for treatment of body tissue, comprising:

an anchor assembly, the anchor assembly including an anchor component and a connector component; and

a delivery device, the delivery device including a needle assembly and a cartridge assembly, the cartridge assembly housing the anchor and connector components of the anchor assembly;

wherein the cartridge assembly feeds one component of the anchor assembly within the needle assembly and the cartridge assembly is replaceable.

2. The system of claim 1, wherein a plurality of cartridge assemblies having different spring stiffnesses can be attached to the delivery device.

3. The system of claim 1, wherein a portion of the anchor assembly resides in the cartridge assembly and another portion of the anchor assembly resides in the delivery device outside the cartridge assembly.

4. The system of claim 1, wherein the cartridge assembly includes a spring .

5. The system of claim 4, wherein the system provides a first tension upon advancing the anchor assembly that differs from a second tension subsequent to delivery of the anchor assembly.

6. The system of claim 4, wherein the delivery device includes an actuator actuation of which permits the spring assembly to apply a tension on at least one of the first and second components of the anchor assembly.

7. The system of claim 1, wherein the delivery device includes a needle spool assembly.

8. The system of claim 7, wherein the needle spool assembly includes a clutch.

9. The system of claim 7, wherein the delivery device further includes a needle assembly whereby the needle spool assembly controls advancement or retraction of the needle assembly through an operative association with a retraction lever.

10. The system of claim 9, wherein the needle spool assembly includes a spring operatively associated with the needle assembly.

11. The system of claim 10, wherein the delivery device includes a first actuator actuation of which permits the spring to automatically advance the needle assembly.

12. The system of claim 11, wherein the delivery device includes a second actuator actuation of which results in the manual retraction of the needle assembly.

13. The system of claim 12, wherein the delivery device includes a clutch whereby the actuation of the second actuator causes the clutch to disassociate a portion of the spool assembly from the needle deploy spring.

14. The system of claim 1, wherein the cartridge assembly feeds the anchor assembly components through the needle assembly.

15. The system of claim 1, wherein the needle assembly can be wound about a spool assembly.

16. The system of claim 15, wherein a portion of the anchor assembly is wound about the cartridge spool assembly.

17. The system of claim 16, wherein the cartridge assembly includes a third actuator rotation of which feeds the anchor assembly within the needle assembly.

18. The system of claim 17, wherein the third actuator of the cartridge assembly includes a self-terminating stop such that the third actuator will rotate a fixed amount and result

in positioning the anchor assembly in the desired location within the needle assembly, in which the third actuator would neither allow further advancement or retraction of the anchor assembly.

19. The system of claim 18, wherein the delivery device includes a trigger assembly configured to accomplish assembly of the anchor assembly.

20. The system of claim 19, wherein the delivery device includes a bail-out assembly configured to sever a portion of the anchor assembly prior to its assembly allowing for removal of the delivery tool from the patient at will.

21. A system for treatment of body tissue, comprising:

an anchor assembly, the anchor assembly including a first component and a second component; and

a delivery device, the delivery device including a needle assembly, a needle deploy actuator and a retract lever;

wherein the actuator accomplishes automated deployment of the needle assembly and the lever accomplishes manual withdrawal of the needle assembly.

22. The system of claim 21, wherein the delivery device includes a needle deployment spring and actuation of the actuator results in the needle deployment spring automatically advancing the needle assembly with a force sufficient to penetrate target tissue.

23. The system of claim 22, wherein actuation of the lever accomplishes manual retraction of the needle assembly.

24. The system of claim 23, wherein the delivery device includes a spool assembly controlling the position of the needle assembly.

25. The system of claim 24, wherein the spool assembly includes the needle deployment spring.

26. The system of claim 25, wherein the delivery device includes a cartridge assembly, the cartridge assembly housing one anchor component.

27. The system of claim 26, wherein the cartridge assembly is replaceable.

28. The system of claim 27, wherein the cartridge assembly is configured to releasably engage the spool assembly.

29. The system of claim 28, wherein the cartridge assembly is configured to feed the one anchor component within the needle assembly.

30. The system of claim 29, wherein the cartridge assembly includes a spring.

31. The system of claim 30, wherein a clutch is provided to disassociate the cartridge assembly from at least a portion of the spool assembly.

32. The system of claim 31, wherein the spring is configured to apply a tension on the one anchor component.

33. The system of claim 32, wherein the delivery device includes a trigger assembly.

34. The system of claim 33, wherein the trigger assembly is configured to effect assembly of the anchor assembly.

35. The system of claim 34, wherein the trigger assembly controls severing of a third component of the anchor assembly.

36. The system of claim 35, wherein the delivery device includes a bail-out assembly configured to sever the third component of the anchor assembly.

37. The system of claim 36, wherein the delivery device includes a first reset lever configured to reset the needle spool assembly.

38. The system of claim 37, wherein the delivery device includes a second reset lever configured to reset the trigger assembly.

39. A system for treatment of body tissue, comprising:

an anchor assembly; and

a delivery device including a needle assembly, a spool assembly, a trigger assembly, a first actuator, a second actuator and a third actuator;

wherein actuation of the first actuator advances the needle assembly and a portion of the anchor assembly, actuation of the second actuator withdraws the needle assembly and actuation of the third actuator accomplishes assembly of the anchor assembly.

40. The system of claim 39, wherein the delivery device includes a first reset lever and a second reset lever, wherein the first reset lever resets the spool assembly and the second reset lever resets the trigger assembly.

41. The system of claim 40, wherein the delivery device includes a bail-out assembly and actuation of the bail-out assembly accomplishes severing a component of the anchor assembly.

42. The system of claim 39, wherein the delivery device includes a lock-out assembly which locks the lever until after depression of the first actuator.

43. The system of claim 39, wherein the delivery device includes a locking mechanism which locks the lever in a depressed condition.

44. The system of claim 39, wherein the delivery device includes a first actuator lock which prevents accidental needle deployment.

45. The system of claim 39, wherein the delivery device includes structure to avoid premature deployment of the third actuator until the second actuator is fully depressed.

46. The system of claim 1, wherein a needle moves along a curved trajectory within the needle assembly.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,674	07/30/2009	Matthew McLean	83455.0063	6169

81153 7590 02/18/2011
STEPTOE & JOHNSON - NEOTRACT
2121 AVENUE OF THE STARS, SUITE 2800
LOS ANGELES, CA 90067

EXAMINER
ANDERSON, GREGORY A

ART UNIT	PAPER NUMBER
3773	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	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):

JHANLEY@STEPTOE.COM
KTUSZYNSKI@STEPTOE.COM
ccipdocketing@steptoe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

STEPTOE & JOHNSON - NEOTRACT
2121 AVENUE OF THE STARS, SUITE 2800
LOS ANGELES CA 90067

In re Application of	:
MCLEAN, MATTHEW et al	: DECISION ON REQUEST TO
Application No. 12/512,674	: PARTICIPATE IN PATENT
Filed: July 30, 2009	: PROSECUTION HIGHWAY
Attorney Docket No. 83455.0063	: PILOT PROGRAM AND PETITION
For: ANCHOR DELIVERY SYSTEM WITH	: TO MAKE SPECIAL UNDER
REPLACEABLE CARTRIDGE	: 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. 16, 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 23-45 filed on Feb. 16, 2011 which are not sufficiently corresponding to allowable claims 17-13 and 24-46 of PCT search report and search opinion of PCT/US/2009/052271. A list of PCT allowed claims 17-23 and 24-46 is not provided. Thus, Item #3 is not satisfied and for this reason the petition can not be granted.

With regard to Item #3, the cited French patent is missing. A copy of EP-A-1852071 is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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:	12/512,674	Filing date:	2009-07-30
First Named Inventor:	Matthew McLean		
Title of the Invention:	Anchor Delivery System With Replaceable Cartridge		

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/US2009/052271

The international filing date of the corresponding PCT application(s) is/are: 30 July 2009

I. List of Required Documents:

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

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

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

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

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

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

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

(continued)

Application No.:	12/512,674
First Named Inventor:	Matthew McLean

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 04-16-2010

(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 04-16-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
23	21-24	
24	25	
25	26	
26	27	
27	28	
28	29	
29	30	
30	31	
31	32	
32	33	
33	34	
34	35	
35	36	
36	37	
37	38	
38	39	
39	40	
40	41	
41	42	CLAIMS LISTING TO BE CONTINUED ON PAGE 3

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

Signature /John V. Hanley/	Date 2011-02-16
Name (Print/Typed) John V. Hanley	Registration Number 38,171

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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.:	12/512,674
First Named Inventor:	Matthew McLean

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 04-16-2010

(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 04-16-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
42	43	
43	44	
44	45	
45	46	

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

Signature /John V. Hanley/	Date 2011-02-16
Name (Print/Typed) John V. Hanley	Registration Number 38,171

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 83455.0063.PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/052271	International filing date *(day/month/year)* 30 July 2009 (30.07.2009)	Priority date *(day/month/year)* 30 July 2008 (30.07.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NEOTRACT, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☒	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☒	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☒	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 01 February 2011 (01.02.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Simin Baharlou e-mail: pt09.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

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

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/052271	30.07.2009	30.07.2008

International Patent Classification (IPC) or both national classification and IPC
INV. A61B17/04 A61B17/42

Applicant
NEOTRACT, INC.

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

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 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 D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Strazdauskas, Gedas Telephone No. +49 89 2399-5773

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/052271

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. II Priority

1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

   see separate sheet

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☒ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☐ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☒ all parts.

   ☐ the parts relating to claims Nos. 1-46

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	7-13, 17-20, 24-46
	No:	Claims	1-6, 14-16, 21-23
Inventive step (IS)	Yes:	Claims	7-13, 24-46
	No:	Claims	1-6, 14-23
Industrial applicability (IA)	Yes:	Claims	1-46
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

   and / or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

   see form 210

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 II

Priority

The priority claim of the current application has been checked and is valid.

Re Item IV.

Lack of unity of invention

This Authority considers that there are 2 inventions covered by the claims indicated as follows:

I. Claims 1 - 16,21 - 38: A needle spool assembly relating to the problem of finding an alternative means for controlling the position of the needle assembly.

II. Claims 17-20, 39-46: A controlling system including three actuators relating to the problem of improving control over separate operations performed by the delivery device.

The subject - matter of claims 1 - 6, 14 - 16 and 21 - 23 is already known from, or rendered obvious by, the prior art document D1 (see V.2 and V.4, below). Accordingly, potential special technical features of the claims, representing a possible contribution over the closest prior art document D1, relate to those indicated in the groups of claims listed above.

The subject - matter of these groups of claims is not so linked as to form a single inventive concept (Rule 13.1 PCT), since there is apparently no technical relationship in the sense of Rule 13.2 PCT between these groups of special technical features and their corresponding technical problems solved.

Re Item V.

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

Reference is made to the following documents:

D1: US 2007/142846 A1 (CATANESE JOSEPH III [US] ET AL) 21 June 2007 (2007-06-21) cited in the application

D2: WO 2009/009617 A (NEOTRACT INC [US]; MCLEAN MATTHEW [US]; CHENG FLORIA [US]; MERRICK DAN) 15 January 2009 (2009-01-15) cited in the application

D3: US 2003/204195 A1 (KEANE MICHAEL [US] ET AL) 30 October 2003 (2003-10-30)

D4: EP-A-1 852 071 (ETHICON ENDO SURGERY INC [US]) 7 November 2007 (2007-11-07)

The present application does not meet the criteria of Article 33(1) PCT, because the subject - matter of independent claim 1 is not new (see following §1) in the sense of Article 33(2) PCT.

1 Conciseness

Although claims 1 and 21 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 or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2 Independent claim 1 and 21

The document D1 discloses (the references in parentheses applying to this document):

A system for treatment of body tissue (abstract, fig. 1), comprising:

an anchor assembly (figs. 7B and 7C; OR fig. 7D; pos. 82 and 94 ; see also §215, §221 and §222), the anchor assembly including

an anchor component (82) and a connector component (94); and

a delivery device (fig. 1, pos. 20), the delivery device including a needle assembly (§190; fig. 2A, pos. 58) and a cartridge assembly(figs. 7B and 7C; OR fig. 7D, pos. 144) , the cartridge assembly housing the anchor and connector components of the anchor assembly;

wherein the cartridge assembly *is suitable for* (see §4.1 below / Article 6 PCT) feed *ing* one component of the anchor assembly within the needle assembly and the cartridge assembly is replaceable.

The subject-matter of claim 21 is also not new over D1 (see §224-226 and the above argumentation which applies mutatis-mutandis)

3 Claims 39-46.

Please note that the subject-matter of claim 39 can only be considered as fulfilling the requirements of Article 33(2,3) PCT if the objections indicated under sec. VIII are overcome. The same applies with regard to claims 38-46 dependent on claim 39.

4 Dependent claims

Dependent claims 2-6 and 14-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, see D1 (figs. 7B, 7C and §221 and §222; please

note that claim 2 containing the formulation "can be attached" do not limit the scope of that claim any further, because anything can be attached to the device; similar applies with regard to claim 15).

5 Remarks

5.1 Some of the features of the divers, apparatus claims (e.g. in claim 1: "the cartridge **feeds** one component of the anchor assembly ...; "; in claim 21: "the actuator **accomplishes**"...; in claim 39: "wherein **actuation** of the first actuator **advances** the needle assembly and a portion of the anchor assembly, **actuation** of the second actuator **withdraws** the needle assembly and **actuation** of the third actuator **accomplishes** assembly of the anchors assembly " **etc...**) relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from these claims, contrary to the requirements of Article 6 PCT. For the purposes of the written opinion said features were interpreted replacing them by the features defining that the entities performing these functions are suitable, adapted or configured for perform these functions (e.g. "the cartridge is suitable for feeding...", "the second actuator is adapted to withdraw the needle assembly, etc...)

5.2 The vague and imprecise statements in the description in the last line of §116, imply that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity when used to interpret them.

5.3 Independent apparatus claims should have been drafted in the two-part form in accordance with Rule 6.3(b) PCT.

5.4 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

5.5 An incorporation of documents be reference (§ 1) is not possible in some of the Designate States.

Re Item VI

Certain documents cited

Certain published documents

Publication No	Publication date *(day/month/year)*	Filing date *(day/month/year)*	Priority date *(valid claim)* *(day/month/year)*
WO2009/009617	15.01.2009	9.07.2008	09.07.2007

Re Item VIII

Certain observations on the international application

Claim 39 is not supported by the description as required by Article 6 PCT, as its scope is broader than justified by the description and drawings. The description of the current application discloses the actuators which are configured to be actuated by a user as e.g. a lever. The meaning of a generic term "actuator" used in claim 39 is however much broader than its meaning defined in the description. Said generic term also encloses any intermediate part in a whole actuation chain, which is not necessary directly activated by a user. Furthermore the wording of claim 39 does not require for the first and second actuators in order to perform their respective functions as defined in claim 39 to be two seperate actuators. Whereas from the definitions of said actuators given in the description it is clear that they are two separate actuators configured to be actuated by a user. Thus the definitions of said actuators in claim 39 also cover all possible actuation ways wherein e.g. the first and second actuators merely differ in their function but correspond to the same physical actuator (button, lever). However the description does not provide any further details which are necessary for the skilled person for constructing the system as indicated in the given example. For the given reasons claim 39 partially lacks support in the description for said broad scope of said actuators as claimed therein. Furthermore in D1 actuator 310 (top mount lever) which is configured to activated by a user (see fig. 15C) performs two functions (see §267-275 in D1) i.e. it "is adapted to advance the needle assembly and a portion of the anchor assembly*" and after "a second end of a lower toggle link gets operatively associated with the needle advancement ratchet 366" it acts as the second actuator and thus it "is adapted to withdraw the needle assembly*". Hence when taken the broadest meaning of the actuator defined in claim 39, its subject-matter encompasses the system of D1.

It is clear that the description (see e.g. §24) only supports the various actuators of the system as being directly manually accessible structures.

Claim 39 does not meet the requirements of Article 6 PCT because the matter for which protection is sought is not clearly defined. The feature defining that "third actuator is adapted to accomplish assembly of the anchor assembly*" is just the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.

* for the cited wording of claim 39 the objections given in point 5.1 of Section V are to be considered.

We Claim:

1. A system for treatment of body tissue, comprising:

an anchor assembly, the anchor assembly including an anchor component and a connector component; and

a delivery device, the delivery device including a needle assembly and a cartridge assembly, the cartridge assembly housing the anchor and connector components of the anchor assembly;

wherein the cartridge assembly feeds one component of the anchor assembly within the needle assembly and the cartridge assembly is replaceable.

2. The system of claim 1, wherein a plurality of cartridge assemblies having different spring stiffnesses can be attached to the delivery device.

3. The system of claim 1, wherein a portion of the anchor assembly resides in the cartridge assembly and another portion of the anchor assembly resides in the delivery device outside the cartridge assembly.

4. The system of claim 1, wherein the cartridge assembly includes a spring .

5. The system of claim 4, wherein the system provides a first tension upon advancing the anchor assembly that differs from a second tension subsequent to delivery of the anchor assembly.

6. The system of claim 4, wherein the delivery device includes an actuator actuation of which permits the spring assembly to apply a tension on at least one of the first and second components of the anchor assembly.

7. The system of claim 1, wherein the delivery device includes a needle spool assembly.

8. The system of claim 7, wherein the needle spool assembly includes a clutch.

9. The system of claim 7, wherein the delivery device further includes a needle assembly whereby the needle spool assembly controls advancement or retraction of the needle assembly through an operative association with a retraction lever.

10. The system of claim 9, wherein the needle spool assembly includes a spring operatively associated with the needle assembly.

11. The system of claim 10, wherein the delivery device includes a first actuator actuation of which permits the spring to automatically advance the needle assembly.

12. The system of claim 11, wherein the delivery device includes a second actuator actuation of which results in the manual retraction of the needle assembly.

13. The system of claim 12, wherein the delivery device includes a clutch whereby the actuation of the second actuator causes the clutch to disassociate a portion of the spool assembly from the needle deploy spring.

14. The system of claim 1, wherein the cartridge assembly feeds the anchor assembly components through the needle assembly.

15. The system of claim 1, wherein the needle assembly can be wound about a spool assembly.

16. The system of claim 15, wherein a portion of the anchor assembly is wound about the cartridge spool assembly.

17. The system of claim 16, wherein the cartridge assembly includes a third actuator rotation of which feeds the anchor assembly within the needle assembly.

18. The system of claim 17, wherein the third actuator of the cartridge assembly includes a self-terminating stop such that the third actuator will rotate a fixed amount and result

in positioning the anchor assembly in the desired location within the needle assembly, in which the third actuator would neither allow further advancement or retraction of the anchor assembly.

19. The system of claim 18, wherein the delivery device includes a trigger assembly configured to accomplish assembly of the anchor assembly.

20. The system of claim 19, wherein the delivery device includes a bail-out assembly configured to sever a portion of the anchor assembly prior to its assembly allowing for removal of the delivery tool from the patient at will.

21. A system for treatment of body tissue, comprising:

an anchor assembly, the anchor assembly including a first component and a second component; and

a delivery device, the delivery device including a needle assembly, a needle deploy actuator and a retract lever;

wherein the actuator accomplishes automated deployment of the needle assembly and the lever accomplishes manual withdrawal of the needle assembly.

22. The system of claim 21, wherein the delivery device includes a needle deployment spring and actuation of the actuator results in the needle deployment spring automatically advancing the needle assembly with a force sufficient to penetrate target tissue.

23. The system of claim 22, wherein actuation of the lever accomplishes manual retraction of the needle assembly.

24. The system of claim 23, wherein the delivery device includes a spool assembly controlling the position of the needle assembly.

25. The system of claim 24, wherein the spool assembly includes the needle deployment spring.

26. The system of claim 25, wherein the delivery device includes a cartridge assembly, the cartridge assembly housing one anchor component.

27. The system of claim 26, wherein the cartridge assembly is replaceable.

28. The system of claim 27, wherein the cartridge assembly is configured to releasably engage the spool assembly.

29. The system of claim 28, wherein the cartridge assembly is configured to feed the one anchor component within the needle assembly.

30. The system of claim 29, wherein the cartridge assembly includes a spring.

31. The system of claim 30, wherein a clutch is provided to disassociate the cartridge assembly from at least a portion of the spool assembly.

32. The system of claim 31, wherein the spring is configured to apply a tension on the one anchor component.

33. The system of claim 32, wherein the delivery device includes a trigger assembly.

34. The system of claim 33, wherein the trigger assembly is configured to effect assembly of the anchor assembly.

35. The system of claim 34, wherein the trigger assembly controls severing of a third component of the anchor assembly.

36. The system of claim 35, wherein the delivery device includes a bail-out assembly configured to sever the third component of the anchor assembly.

37. The system of claim 36, wherein the delivery device includes a first reset lever configured to reset the needle spool assembly.

38. The system of claim 37, wherein the delivery device includes a second reset lever configured to reset the trigger assembly.

39. A system for treatment of body tissue, comprising:

an anchor assembly; and

a delivery device including a needle assembly, a spool assembly, a trigger assembly, a first actuator, a second actuator and a third actuator;

wherein actuation of the first actuator advances the needle assembly and a portion of the anchor assembly, actuation of the second actuator withdraws the needle assembly and actuation of the third actuator accomplishes assembly of the anchor assembly.

40. The system of claim 39, wherein the delivery device includes a first reset lever and a second reset lever, wherein the first reset lever resets the spool assembly and the second reset lever resets the trigger assembly.

41. The system of claim 40, wherein the delivery device includes a bail-out assembly and actuation of the bail-out assembly accomplishes severing a component of the anchor assembly.

42. The system of claim 39, wherein the delivery device includes a lock-out assembly which locks the lever until after depression of the first actuator.

43. The system of claim 39, wherein the delivery device includes a locking mechanism which locks the lever in a depressed condition.

44. The system of claim 39, wherein the delivery device includes a first actuator lock which prevents accidental needle deployment.

45. The system of claim 39, wherein the delivery device includes structure to avoid premature deployment of the third actuator until the second actuator is fully depressed.

46. The system of claim 1, wherein a needle moves along a curved trajectory within the needle assembly.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,674	07/30/2009	Matthew McLean	83455.0063	6169

81153 7590 03/03/2011
STEPTOE & JOHNSON - NEOTRACT
2121 AVENUE OF THE STARS, SUITE 2800
LOS ANGELES, CA 90067

EXAMINER
ANDERSON, GREGORY A

ART UNIT	PAPER NUMBER
3773	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	ELECTRONIC

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

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

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

JHANLEY@STEPTOE.COM
KTUSZYNSKI@STEPTOE.COM
ccipdocketing@steptoe.com

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STEPTOE & JOHNSON - NEOTRACT
2121 AVENUE OF THE STARS, SUITE 2800
LOS ANGELES CA 90067

In re Application of	:	
MCLEAN, MATTHEW et	:	DECISION ON REQUEST TO
Application No. 12/512,674	:	PARTICIPATE IN PATENT
Filed: July 30, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 83455.0063	:	PILOT PROGRAM AND PETITION
For: ANCHOR DELIVERY SYSTEM WITH	:	TO MAKE SPECIAL UNDER
REPLACEABLE CARTRIDGE	:	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 Feb. 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 Jackie Ho, the SPE of Art Unit 3773 at 571-272-4696 for Class 606/139 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

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: 81176727/FMC2457PUS	Application Number (if known): 12/512,675	Filing date: July 30, 2009
First Named Inventor: Tie Wang et al.		
Title: SYSTEM AND METHOD FOR HYDRATING A PROTON EXCHANGE 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: Statement to Make Special

Signature /Martin J. Sultana/	Date 03/11/2011
Name (Print/Typed) Martin J. Sultana	Registration Number 57,739

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,675	07/30/2009	Tie Wang	81176727	6170

28395 7590 03/28/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER
RHEE, JANE J

ART UNIT	PAPER NUMBER
1726	

MAIL DATE	DELIVERY MODE
03/28/2011	PAPER

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

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3/28/2011

In re Application of	:	
Wang et al.	:	DECISION ON PETITION
Application No. 12/512,675	:	TO MAKE SPECIAL UNDER
Filed: 7/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **81176727**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/11/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1726 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

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

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Went et al.	:	
Application No. 12/512,701	:	DECISION DISMISSING PETITIONS
Filed: 07/30/2009	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 34550-718.401	:	

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed September 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed nonprovisional Application No. 11/399,879 and provisional application No. 60/669,290.

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).

First, the amendment as drafted is unacceptable, and therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i). In this regard, the amendment is physically part of the petition, and as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Second, the amendment included in the petition is not acceptable as drafted because it improperly incorporates by reference prior-filed application Nos. 11/285,905, 11/399,879, and 60/669,290.[1] The Office notes that 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).

Third, the amendment included in the petition fails to state the relationship between Application No. 11/399,879 and Application No. 11/285,905. Specifically, the amendment states in pertinent part; "U.S. Application 11/399,879, filed 4/6/2006, which claims priority ... from U.S. Application Ser. No. 11/285,905, filed 11/22/2005, now United States Patent No. 7,619,007, issued 11/17/2009".[2] 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) because the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP 201.11.

---

[1] Applicants may retain the incorporation by reference statement as to Application Nos. 60/630,885, 60/635,365 and 60/701,857 because the incorporation by reference statement was present on filing the present application.

[2] A review of the continuity information in Application No. 11/399,879 indicates that Application No. 11/399,879 is a continuation-in-part of Application No. 11/285,905.

Additionally, the Office notes that the ADS filed on July 30, 2009, in the Application No. 12/512,701, indicates that Application No. 12/512,701 is a division of Application 11/285,905. However, the amendment included in the petition states that Application No. 12/512,701 is a continuation-in-part of Application No. 11/285,905. The Office requests that applicants review the relationship between these two applications to ensure that the proper claim under 35.U.S.C. 120 for the benefit of Application No. 11/285,905 is made.

Fourth, the Office notes:

> The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

MPEP 201.11(III)(C).

After reviewing the chain of applications to which applicants are seeking a claim for priority, it appears prior-filed Application No. 11/399,879 does not identify all the prior applications. Specifically, the reference in the first line of the specification of Application No. 11/399,879 reads: "This application [11/399,879] claims priority to U.S.S.N. 60/669,290, filed April 6, 2005 and is a continuation-in-part of and claims priority to U.S.S.N. 11/285,905, filed November 22, 2005." However, Application No. 11/399,879 does not contain a reference indicating that nonprovisional Application No. 11/285,905 claims the benefit of U.S. provisional application No. 60/630,885, filed November 23, 2004, U.S. provisional application No. 60/635,365, filed December 10, 2004, and U.S. provisional application No. 60/701,857, filed July 22, 2005.

Applicants should review the benefit claim submitted to ensure that appropriate references are made in the first application and in each intermediate application in the chain of prior applications. As a condition for acceptance of the **present** petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), applicants **must either (1)** perfect the benefit claim under 35 U.S.C. 119(e) in Application No. 11/399,879 by filing a petition under 37 CFR 1.78(a)(6) in Application No. 11/399,879 to add a reference indicating that Application No. 11/285,905 claims the benefit of U.S. provisional application No. 60/630,885, filed November 23, 2004, U.S. provisional application No. 60/635,365, filed December 10, 2004, and U.S. provisional Application No. 60/701,857, filed July 22, 2005, **OR, in the alternative, (2)** applicants must correct the reference

in this application to read: "... U.S. Application No. 11/399,879 claims the benefit of U.S. provisional application No. 60/669,290, filed April 6, 2005, and is a continuation-in-part of U.S. nonprovisional application No. 11/285,905, filed November 22, 2005, now U.S. Patent No. 7,619,007, issued November 17, 2009.

If applicants chose to file a petition under 37 CFR 1.78(a)(6) in Application No. 11/399,879 to perfect the benefit claim under 35 U.S.C. 119(e), applicants must awaiting a decision granting that petition before filing a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) in the present application.

Any renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be accompanied by a Supplemental Application Data Sheet or an amendment to the first line of the specification correcting the deficiencies noted above. No additional petition fee is required for filing a renewed petition in this application. 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Went et al.	:	
Application No. 12/512,701	:	DECISION GRANTING PETITIONS
Filed: 07/30/2009	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 34550-718.401	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed October 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed nonprovisional Application No. 11/399,879 and provisional application No. 60/669,290 set forth in the concurrently filed amendment to the specification.

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.

The Office notes that the supplemental ADS submitted with the renewed petition is unacceptable as drafted because it improperly designates Application No. 12/512,701 as both a divisional and continuation in part of Application No. 11/285,905. Applicants should submit a new Supplemental ADS indicating the correct relationship.

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

This application is being forwarded to Technology Center Art Unit 1627 for consideration by the examiner of the claim under 35 U.S.C. 120 and 119(e) of the prior-filed nonprovisional application and provisional application.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/512,701	07/30/2009	1627	1729	34550-718.401	50	4

CONFIRMATION NO. 6211

CORRECTED FILING RECEIPT

21971
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

OC000000050696346

Date Mailed: 11/01/2011

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)

Gregory T. Went, Mill Valley, CA;
Timothy J. Fultz, Pleasant Hill, CA;
Seth Porter, San Carlos, CA;
Laurence R. Meyerson, Las Vegas, NV;
Timothy S. Burkoth, San Francisco, CA;

Assignment For Published Patent Application

ADAMAS PHARMACEUTICALS, INC., Emeryville, CA

Power of Attorney: The patent practitioners associated with Customer Number 021971

Domestic Priority data as claimed by applicant

This application is a DIV of 11/285,905 11/22/2005 PAT 7,619,007
and is a CIP of 11/399,879 04/06/2006 PAT 8,058,291
which claims benefit of 60/669,290 04/06/2005
and is a CIP of 11/285,905 11/22/2005 PAT 7,619,007
which claims benefit of 60/630,885 11/23/2004
and claims benefit of 60/635,365 12/10/2004
and claims benefit of 60/701,857 07/22/2005

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: 08/11/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/512,701**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Method and Composition for Administering an NMDA Receptor Antagonist to a Subject

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,737	07/30/2009	Osamu Yoshida	1924.85664	6274

7590 10/07/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

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

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

LIFE TECHNOLOGIES CORPORATION
Attn: IP Department
5791 Van Allen Way
Carlsbad CA 92008

In re Application of	:	
Tom Diller et al.	:	
Application No. 12/512,797	:	DECISION ON PETITION
Filed: July 30, 2009	:	
Attorney Docket No. IVGN 384.2 CON	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 7, 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 June 3, 2010, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 4, 2010. A Notice of Abandonment was mailed on February 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,860, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 1724 for appropriate action by the Examiner in the normal course of business on the reply received November 7, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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LEVINE BAGADE HAN, LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

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NOV 15 2010

OFFICE OF PETITIONS

In re Application of
Alexander Quillin Tilson, et. al.
Application No. 12/512,878
Filed: July 30, 2009
Attorney Docket No. LMVSNZ00400

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 30, 2010.

In response to the decision mailed May 6, 2010, petitioner submits the present renewed petition. However, it is noted that in the decision mailed May 6, 2010, the undersigned forgot to mention that an extension of time would be required if any renewed petition was not filed within two months from the mail date of the decision. Accordingly, since the renewed petition was filed on July 30, 2010, a one month extension of time (July 6 – August 6) in the amount of $65 will be charged to petitioner's deposit account, as authorized. The Petitions Examiner sincerely apologies for any inconvenience caused to petitioner by this error.

Additionally, since papers filed on July 30, 2010, includes a Declaration signed by the previously non-signing inventors, Roland J. Downs and Christopher Michael Adams, is in compliance with 37 CFR 1.63, the petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventors, 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 3739 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
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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OFFICE OF PETITIONS

J C PATENTS
4 VENTURE, SUITE 250
IRVINE, CA 92618

In re Application of	:	
Pin-Shiun Chen	:	DECISION GRANTING STATUS
Application No. 12/512,894	:	UNDER 37 CFR 1.47(b)
Filed: July 30, 2009	:	
Attorney Docket No. JCLA28715	:	

This is a decision on the petition filed, April 30, 2010, requesting reconsideration of a decision mailed March 2, 2010, which refused to accord 37 CFR 1.47(b) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor (Pin-Shiun Chen) 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(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 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

Pin-Shiun Chen
7F., No.25, Guofong St.
Zuoying Dist., Kaohsiung City 813
Taiwan (R.O.C.)

MAILED
SEP 08 2010
OFFICE OF PETITIONS

In re Application of
Pin-Shiun Chen
Application No. 12/512,894
Filed: July 30, 2009
For: METHOD FOR CREATING IMAGE FILE AND METHOD FOR SORTING FILE SYSTEMS

Dear Mr. Chen:

You are named as the 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 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: J C Patents
4 Venture, Suite 250
Irvine, CA 92618

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: 026335-001610US	Application Number (if known): 12/512,978	Filing date: July 30, 2009

First Named Inventor: Howard W.H. Lee

Title: A MULTI-JUNCTION SOLAR MODULE AND METHOD FOR CURRENT MATCHING BETWEEN A PLURALITY OF FIRST PHOTOVOLTAIC DEVICES AND SECOND 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: see attached Petition

Signature /Richard T. Ogawa/	Date 09/16/2010
Name (Print/Typed): Richard T. Ogawa	Registration Number 37,692

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

☐ *Total of _____ forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

(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.

PATENT
Attorney Docket No.: 026335-001610US

I hereby certify that this correspondence is being filed Via EFS-Web with the USPTO on September 16, 2010.

By: Richard T. Ogawa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Attorney Docket No.: 026335-001610US
Howard W.H. Lee et. al.	Confirmation No. 6708
Application No.: 12/512,978	Examiner:
Filed: July 30, 2009	Technology Center/Art Unit:
For: A MULTI-JUNCTION SOLAR MODULE AND METHOD FOR CURRENT MATCHING BETWEEN A PLURALITY OF FIRST PHOTOVOLTAIC DEVICES AND SECOND PHOTOVOLTAIC DEVICES	Petition to Make Special Under The Green Technology Pilot Program
Customer No.: 20350	Date: September 16, 2010

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

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above identified application.

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a), filed before Dec. 8, 2009.

The application contains no more than three independent claims and twenty or fewer total claims, and no multiple dependent claims as well.

By filing this petition:
Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee $300 set forth in CFR 1.18(d) accompanies this request.

Applicant believes the pending claims in the application being directed to a single invention that materially contributes to the discovery or development of renewable energy resources. The claimed invention relates to a multi-junction solar module with current matching photovoltaic solar energy collector for electric power generation.

By filing this petition: applicant hereby agrees 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.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-906-0323.

Respectfully submitted,

/Richard T. Ogawa/

Richard T. Ogawa
Reg. No. 37,692

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/512,978	07/30/2009	HOWARD W.H. LEE	026335-001610US	6708

20350 7590 10/04/2010
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
10/04/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

OCT 04 2010

In re Application of	:	
Lee et al.	:	DECISION ON PETITION
Application No. 12/512,978	:	TO MAKE SPECIAL UNDER
Filed: 7/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **026335-001610US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/16/2010, 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 item(s) 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."

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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

PATENT
Attorney Docket No.: 026335-001610US

I hereby certify that this correspondence is being filed Via EFS-Web with the USPTO on October 19, 2010.

By: Richard T. Ogawa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Attorney Docket No.: 026335-001610US
Howard W. H. Lee et al.	Confirmation No. 6708
Application No.: 12/512,978	Examiner:
Filed: July 30, 2009	Technology Center/Art Unit:
For: A MULTI-JUNCTION SOLAR MODULE AND METHOD FOR CURRENT MATCHING BETWEEN A PLURALITY OF FIRST PHOTOVOLTAIC DEVICES AND SECOND PHOTOVOLTAIC DEVICES	Petition to Reconsider Decision On Petition To Make Special Under The Green Technology Pilot Program
Customer No.: 20350	

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

Dear Sir:

This is a response to a Decision On Petition To Make Special under The Green Technology Pilot Program dated October 4, 2010, citing that the Petition lacks item 1) requirement: the application must have no more than 3 independent claims.

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a), filed before Dec. 8, 2009.

The application contains, after a preliminary amendment submitted herewith, no more than three independent claims and twenty or fewer total claims, and no multiple dependent claims as well.

By filing this petition of reconsideration:
Applicants hereby request Examiner to reconsider the Petition to make special under the green technology pilot program and an early publication under 37 CFR 1.219 and the publication fee set forth in CFR 1.18(d) accompanies this request. The Commissioner hereby is authorized to charge Deposit Account No. 201430 for the amount of $300.

Respectfully submitted,

/Richard Ogawa/

Richard Ogawa
Reg. No. 37,692

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/512,978	07/30/2009	HOWARD W.H. LEE	026335-001610US	6708

20350 7590 11/22/2010
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
11/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

NOV 22 2010

In re Application of	:	
Lee et al.	:	DECISION ON PETITION
Application No. 12/512,978	:	TO MAKE SPECIAL UNDER
Filed: 7/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **026335-001610US**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 10/19/2010, 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 1795 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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ICE MILLER LLP
ONE AMERICAN SQUARE, SUITE 3100
INDIANAPOLIS, IN 46282-0200

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Bakshy A. CHIBBER
Application No. 12/513,031
Filed: April 30, 2009
Attorney Docket No. **P01582-US-01**

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 26, 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 Homer Faucett on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

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

cc: **BAKSHY A. CHIBBER**
15685 EMBERS DRIVE
MISHAWAKA, IN 46545

UNITED STATES PATENT AND TRADEMARK 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.
12/513,033	04/30/2009	Huijuan Zhong	5863-0101PUS1	8757

2292 7590 07/12/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
O SULLIVAN, PETER G

ART UNIT	PAPER NUMBER
1621	

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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 0 6 2011

In re Application of	:	
Huijuan Zhong, et al.	:	
Serial No. 12/513033	:	NOTICE OF WITHDRAWAL
Filed: April 30, 2009	:	FROM ISSUE
For: **5-[(2R)-[2-[2-(2,2,2-TRIFLUOROETHOXY)**	:	UNDER 37 CFR 1.313 (B)
PHENOXY]ETHYL]AMINO]PROPYL]	:	
-2-METHOXYBENEZENESULFONAMIDE	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

Irem Yucel, Director
Technology Center 1600

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/513,133	04/07/2010	Jae-Dong Yoon	17459.0001	9427

27890 7590 08/05/2010
STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER
AHMED, SHEEBA

ART UNIT	PAPER NUMBER
1787	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

August 5, 2010

In re application of Jae-Dong Yoon Serial No. 12/513,133 Filed: April 7, 2010 For: REFLECTOR AND MANUFACTURING METHOD THEROF	: : : : : :	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) to make the above-identified application special, filed April 7, 2010.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

The request to participate in the PPH program and petition fail because:

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s).

The claims of the present application appear to differ significantly from the corresponding claims of the KIPO application. For example, in the claim correspondence table, it is indicated that claim 1 of the present application corresponds to claim 1 of the KIPO application. Note, however, that claim 1 of the present application is drawn to a reflector, while claim 1 of the KIPO application is drawn to a method of manufacturing a reflector. Furthermore, while claim 7 of the KIPO application sets forth a reflector that is manufactured by one of the methods of claims 1-6, present claim 1 is not written as a reflector produced by a particular method.

Furthermore, present claim 9 does recite a method of manufacturing a reflector, however present claim 9 appears to differ significantly from claim 1 of the KIPO application. For example, claim 1 of the KIPO application requires "stretching a crystalline plastic material in amorphous state", whereas claim 9 of the present

application requires "extending the crystalline plastic" wherein claim 9 does not specify that the crystalline plastic is in an amorphous state. Further, claim 1 of the KIPO application requires "orientation of amorphous regions in the reflector", whereas present claim 9 requires "arranging amorphous particles in an amorphous region of crystalline plastic in a single predetermined direction so that a plurality of orientation layers are formed.

While only present independent claims 1 and 9 have been discussed, the dependent claims of the present application also appear to differ significantly from the corresponding claims of the KIPO 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 within the time period given, the application with await action in its regular turn.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120202

DATE : February 02, 2012

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 8,065,946

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

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

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

/MICHAEL CARONE/
Supervisory Patent Examiner.Art Unit 3641

UNITED STATES 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 Mailed : December 14, 2011
Serial No. : 12/513332
Patent No. : 8,053,461 B2
Patent Issued :November 8, 2011
Inventor(s) Noriaki Shinobu, et al
Title :OXINDOLE DERIVATIVE

Request for Certificate of Correction

Respecting the alleged error(s) noted in your request: the changes to the titles, such expressions as "Improvements in, "new," "new and improved," and "novel " are deleted from titles of invention in accordance to the *GPO Style Manual.*

In view of the foregoing, your request is hereby denied.

Magdalene Talley
For Mary Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(703)756-1540
FAX 571-270-9942

ARENT Fox LLP
1050 Conn. Ave., NW
Washington, DC 20036

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDERMOTT WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED
FEB 09 2011
OFFICE OF PETITIONS

Applicant: Park, et al.
Appl. No.: 12/513,354
International Filing Date: November 1, 2006
Title: DOUBLE-STACKED EBG STRUCTURE
Attorney Docket No.: 079163-0017
Pub. No.: US 2010/0108373 A1
Pub. Date: May 6, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 6, 2010, for the above-identified application

The request is 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 the inventors' names have been omitted.

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

The error noted by requestor wherein two of the inventors "Chee Wai Albert Lu and Joungho Kin" were omitted from the front page of the publication maybe Office errors but they are not material Office errors. The omission of an inventor's name does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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).

A Filing receipt was mailed on January 28, 2010, which listed only one inventor's name. To avoid this type of problem in the future applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

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

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

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

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

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35811
IP GROUP OF DLA PIPER US LLP
One Liberty Place
1650 Market St., Suite 4900
Philadelphia, PA 19103

MAILED

APR 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
WOEHRLE *et al*
U.S. Application No.: 12/513,375
PCT No.: PCT/EP2007/009590
Int. Filing Date: 06 November 2007
Priority Date: 06 November 2006
Attorney Docket No.: RUF-09-1088
For: GALVANIC ELEMENT WITH SHORT CIRCUIT FUSE PROTECTION

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 31 January 2011.

BACKGROUND

On 08 July 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 31 January 2011, applicants filed the subject response which was accompanied by, *inter alia*, a five-month extension and $2,350.00 extension fee; a declaration of Tatiana Korschewitz; a second declaration of Dr. Eberle; and documentary evidence in support of the petition (Exhibits A - D).

DISCUSSION

In the renewed petition, the 37 CFR 1.47(a) applicants claim that co-inventor, Dejan ILIC, cannot be reached after a diligent effort was made to locate him.

Applicants satisfied all requirements of 37 CFR 1.47(a) in the initial petition except item (2), *i.e.*, factual proof that the missing joint inventor cannot be located or refuses to cooperate.

In the renewed petition, the 37 CFR 1.47(a) applicants submitted a declaration of Ms. Korschewitz who first visited the last known address of the nonsigning inventor and found that he no longer lived there. Ms. Korschewitz then attempted to locate Dr. ILIC using the internet and phone book to no avail.

A second declaration of Dr. Eberle was also provided which details the steps taken to locate the nonsigning inventor. These efforts included internet searches, contacting former employers to determine if they had a forwarding address, and even speaking with a former assistant of Dr. ILEC. No further contact information for Dr. ILEC was found. Documentary evidence of the Google and phone number searches for Dr. ILEC were provided as Exhibit D.

The 37 CFR 1.47(a) applicants have provided sufficient evidence to show that a diligent effort was made to locate the nonsigning inventor. This meets the requirements of MPEP § 409.03(d)(I). Item (2) of 37 CFR 1.47(a) is now satisfied.

All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 November 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 14 April 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dejan Ilic
Badgasse 5/26
73479 Ellwangen
Germany

MAILED

APR 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
WOEHRLE *et al*
U.S. Application No.: 12/513,375
PCT No.: PCT/EP2007/009590
Int. Filing Date: 06 November 2007
Priority Date: 06 November 2006
Attorney Docket No.: RUF-09-1088
For: GALVANIC ELEMENT WITH SHORT CIRCUIT FUSE PROTECTION

Mr. Ilec:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

IP GROUP OF DLA PIPER US LLP
One Liberty Place
1650 Market St., Suite 4900
Philadelphia, PA 19103

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.
12/513,393	05/04/2009	Hiroshi Machino	1163-0710PUS1	2003

2292 7590 03/17/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
PECHE, JORGE O

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
03/17/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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MAR 16 2011

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

In re application of Hiroshi Machino Application No. 12/513,393 Filed: May 4, 2009 For: NAVIGATION APPARATUS	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 01, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed February 01, 2011 and the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 03/15/11

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00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED

APR 01 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ANDRIEU *et al* :
U.S. Application No.: 12/513,405 :
PCT No.: PCT/IB2006/003117 :
Int. Filing Date: 06 November 2006 :
Priority Date: None :
Attorney Docket No.: 5001-1343 :
For: RESORBABLE INTRA-URETHRAL :
PROSTHESIS :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 20 April 2010.

BACKGROUND

On 24 February 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 20 April 2010, applicants filed the subject response which was accompanied by, *inter alia*, a $130.00 surcharge fee and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventors, Milan KRAJICEK and Vaclav VOMACKA, refuse to cooperate.

The original petition under 37 CFR 1.47(a) was accepted for Mr. KRAJICEK; however, applicants failed to satisfy item (2) of 37 CFR 1.47(a) for Mr. VOMACKA.

With regards to item (2) of 37 CFR 1.47(a) for Mr. VOMACKA, the prior decision noted the evidence submitted did not establish that Mr. VOMACKA received the documents mailed 20 November 2009. The postal receipt provided was barely legible and was in a foreign language without an accompanying English translation.

In the renewed petition, the 37 CFR 1.47(a) applicants submitted a copy of the postal receipt for the documents sent on 27 July 2009 to Mr. VOMACKA. The postal

receipt included an English translation of the relevant sections. However, this evidence is not required.

The postal receipt (with accompanying English translation) for the documents purportedly received 20 November 2009 by Mr. VOMACKA are needed to show that the nonsigning inventor received a complete copy of the subject application. Without this evidence, a refusal by conduct cannot be shown.

Accordingly, item (2) of 37 CFR 1.47(a) is still not satisfied.

CONCLUSION

For the reasons discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

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

Failure to timely respond will result in the abandonment of the application.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
ANDRIEU *et al*
U.S. Application No.: 12/513,405
PCT No.: PCT/IB2006/003117
Int. Filing Date: 06 November 2006
Priority Date: None
Attorney Docket No.: 5001-1343
For: RESORBABLE INTRA-URETHRAL PROSTHESIS

DECISION

This decision is in response to applicants' second renewed petition under 37 CFR 1.47(a) filed 22 April 2011.

BACKGROUND

On 01 April 2011, a decision dismissing applicants' renewed petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 22 April 2011, applicants filed the subject response which was accompanied by, *inter alia*, a copy of a postal receipt with an accompanying English translation.

DISCUSSION

Applicants failed to satisfy item (2) of 37 CFR 1.47(a) for Mr. VOMACKA.

There was insufficient evidence showing that Mr. VOMACKA received the documents mailed 20 November 2009. The petition under 37 CFR 1.47(a) was previously accepted for another nonsigning inventor, Milan KRAJICEK.

In the renewed petition, the 37 CFR 1.47(a) applicants submitted a legible copy of the postal receipt for the documents sent to Mr. VOMACKA on 20 November 2009. This evidence is sufficient to show that Mr. VOMACKA received a complete copy of the subject application on 23 November 2009. The lack of a response by Mr. VOMACKA constitutes a refusal to join as discussed in MPEP § 409.03(d)(II).

Item (2) of 37 CFR 1.47(a) is now satisfied for Mr. VOMACKA.

All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 November 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 28 December 2009.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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Milan Krajicek
5 Kvetna 19
Praha 4
Czech Republic

MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
ANDRIEU *et al*
U.S. Application No.: 12/513,405
PCT No.: PCT/IB2006/003117
Int. Filing Date: 06 November 2006
Priority Date: None
Attorney Docket No.: 5001-1343
For: RESORBABLE INTRA-URETHRAL PROSTHESIS

Dear Mr Krajicek:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

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Alexandria, VA 22313-1450
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Vaclav Vomacka
12 Betlemska,
Praha 1
Czech Republic

MAILED
JUN 14 2011
PCT LEGAL ADMINISTRATION

In re Application of
ANDRIEU *et al*
U.S. Application No.: 12/513,405
PCT No.: PCT/IB2006/003117
Int. Filing Date: 06 November 2006
Priority Date: None
Attorney Docket No.: 5001-1343
For: RESORBABLE INTRA-URETHRAL PROSTHESIS

Dear Mr Vomacka:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

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MAILED

AUG 15 2011

PCT LEGAL ADMINISTRATION

Myrexis, Inc.
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

In re Application of: NITZ, Theodore, J., et al.
U.S. Application No.: 12/513,454
PCT No.: PCT/US2007/023148
International Filing Date: 02 November 2007
Priority Date: 03 November 2006
Atty's Docket No.: 1900.0760001/JMC/KHR
For: EXTENDED TRITERPENE DERIVATIVES

DECISION ON PETITION UNDER 37 CFR 1.137(b) AND REQUEST FOR REFUND

This decision is issued in response to applicant's "Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" (Form PTO/SB/64) filed 13 April 2011 and the request for refund included therein. Applicants have paid the required petition fee.

BACKGROUND

On 02 November 2007, applicants filed international application PCT/US2007/023148. The application claimed a priority date of 03 November 2006, and it designated the United States. The deadline for filing the basic national fee was thirty months from the priority date, that is, 04 May 2009 (03 May 2009 was a Sunday).

On 04 May 2009, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 17 December 2009, the United States Designated/Elected Office (DO/EO/US) issued a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional fees ($945 for the application size fee, $50 for the search fee, $110 for the examination fee, $880 for inclusion of 8 independent claims over 3, $25,376 for inclusion of 976 total claims over 20, and $195 for inclusion of a multiple dependent claim).

On 14 April 2010, applicants filed a response to the Notification Of Missing requirements (with required two-month extension fee). The response included an executed declaration and an amendment to the claims. The response also included payment of the surcharge for filing the declaration later than the thirty month deadline, the application size fee, and $214 as the claims fees applicable to the claims as amended.

On 22 November 2010, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed by applicants on 14 April 2010 was not acceptable because it included an inventor (Filippo Magaraci) who was not of record in the application. The Notification also indicated that an additional $136 in claims fees was required.

Applicants did not file a response to the Notification Of Defective Response within the one month response period set forth in such Notification, nor did applicants file a revised response to the Notification Of Missing Requirements within the maximum extendable period for reply. Accordingly, the present application became abandoned at midnight on 17 April 2010.

On 29 March 2011, a "Notification Of Abandonment" (Form PCT/DO/EO/909) was mailed confirming the abandonment of the application.

On 13 April 2011, applicants filed the "Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" (Form PTO/SB/64) and refund request considered herein.

DISCUSSION

1. Petition For Revival

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). The present petition fails to satisfy item (1).

With respect to item (1), pursuant to section 711.03(c) of the Manual of Patent Examining Procedures (MPEP), the "required reply" is the reply sufficient to have avoided abandonment, had such reply been timely filed. Accordingly, the "required reply" here is a proper response to the Notification Of Missing Requirements mailed on 17 December 2009 and the Notification Of Defective Response mailed on 22 November 2010.

The present petition was accompanied by a revised declaration in compliance with 37 CFR 1.497 and payment of the $136 in additional claims fees required by the Notification Of Defective Response; however, applicants have not submitted payment of the applicable search and examination fees also required in the Notification Of Missing Requirements.

In the response to the Notification Of Missing Requirements filed on 14 April 2010, applicants argued that the search and examination fees were not required herein based on the Written Opinion of the U.S. International Searching Authority (ISA/US), which found that claims 1-186, 231-254, and 257-260 satisfied the requirements of PCT Article 33(1)-(4). However, as set forth in 37 CFR 1.492(b)(1) and (c)(1), the only circumstance where the search and examination fees are not required is where the written opinion prepared by the ISA/US

"states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33 (1) to (4), have been satisfied for all of the claims presented in the application entering the national stage." As applicants themselves note in the response to the Notification Of Missing Requirements, a number of claims presented in the application entering the national stage (e.g., claims 215-218, 220, and 225) were not searched by the ISA/US. Applicants argue that because such claims depend from claims that were found to satisfy PCT Article 33(1)-(4), these unsearched claims also satisfy the PCT requirements. However, there is no such exception set forth in 37 CFR 1.492(b)(1) or (c)(1). The written opinion of the ISA/US does not expressly state that claims 215-218, 220, and 225 (all of which remain in the present application) satisfy the requirements of PCT Article 33 (1) to (4). The present application therefore fails to fall within the limited scope of 37 CFR 1.492(b)(1) and (c)(1).

In view of the above, applicants are required to pay the $50 search fee and the $110 examination fee required under 37 CFR 1.492(b)(2) and (c)(2), as set forth in the Notification Of Missing Requirements mailed on 17 December 2009. Because applicants have not included payment of these required fees with the present petition, the "required reply" element of a grantable petition for revival is not satisfied on the present record. The petition is therefore appropriately dismissed.[1]

2. Request For Refund

Applicants' present submission seeks a refund of the additional $136 in claims fees required in the Notification Of Defective Response. Applicants argue that the present application includes 24 total claims (4 independent) and that applicants have previously paid the applicable fees for the 1 extra independent claim over 3 and the 4 additional total claims over 20 contained in the application. A review of the application file and the claims (as amended on 14 April 2010) confirms that applicants had previously paid the extra claims fees applicable to the present application (i.e., $110 for the inclusion of 1 independent claim over 3, and $104 as the fee for inclusion of 4 total claims over 20).. Accordingly, the additional $136 in claims fees required by the Notification Of Defective Response were not properly required and applicants' payment of such fees is appropriately refunded to Deposit Account No. 50-4951, as requested by applicants herein.

CONCLUSION

The petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

The present application remains abandoned.

The request for a refund of the additional $136 in claims fees filed with the petition for revival is **GRANTED**. The $136 claims fee payment submitted on 13 April 2011 will be refunded to Deposit Account No. 50-4951.

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[1] It is noted that applicants' present submission included the authorization to charge Deposit Account No. 50-4951 for required fees; however, the person who signed the present submission is not an authorized user on such Deposit Account. The Office was therefore unable to charge the required search and examination fees to the Deposit Account.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Renewed Petition For Revival Under 37 CFR 1.137(b)" and must include the materials required to complete the "required reply" element of a grantable petition, that is, payment of the required search and examination fees. Extensions of time are available under 37 CFR 1.136(a).

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

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OCT 07 2011

PCT LEGAL ADMINISTRATION

Myrexis, Inc.
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

In re Application of: NITZ, Theodore, J., et al. U.S. Application No.: 12/513,454 PCT No.: PCT/US2007/023148 International Filing Date: 02 November 2007 Priority Date: 03 November 2006 Atty's Docket No.: 1900.0760001/JMC/KHR For: EXTENDED TRITERPENE DERIVATIVES	DECISION ON RENEWED PETITION UNDER 37 CFR 1.137(b)

This decision is issued in response to applicant's "Renewed Petition for Revival Under 37 CFR 1.137(b) filed 16 August 2011. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present petition was set forth in the decision mailed on 15 August 2011. The decision dismissed without prejudice applicants' petition for revival of the application under 37 CFR 1.137(b), finding that applicants had not satisfied all the requirements for a grantable petition. Specifically, applicants had not submitted the search and examination fees necessary to complete the "required reply."

On 16 August 2011, applicants filed the renewed petition for revival considered herein.

DISCUSSION

As indicated in the previous decision, one of the elements of a grantable petition for revival under 37 CFR 1.137(b) is the "required reply" and, under the present circumstances, the "required reply" is a proper response to the Notification Of Missing Requirements mailed on 17 December 2009 and the Notification Of Defective Response mailed on 22 November 2010. Applicants' original petition for revival was accompanied by a revised declaration in compliance with 37 CFR 1.497 and payment of the additional claims fees required by the Notification Of Defective Response; however, the petition was not accompanied by payment of the applicable search and examination fees required in the Notification Of Missing Requirements, as necessary to complete the "required reply."

The present renewed petition was accompanied by payment of the search and examination fees, completing the "required reply." Applicants have therefore now satisfied the final element of a grantable petition for revival under 37 CFR 1.137(b).

CONCLUSION

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 April 2011.

/RichardMRoss/

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
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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:	12/513,483	Filing date:	May 4, 2009
First Named Inventor:	Charles R. Bleich		
Title of the Invention:	Gaming Machine Having Structural Members		

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/US2007/022933

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

October 30, 2007

I. List of Required Documents:

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

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

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

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

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

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

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.:	12/513,483
First Named Inventor:	Charles R. Bleich

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 May 4, 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 May 4, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Identical

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

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/08/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 47079-546WO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/US07/22933	International filing date *(day/month/year)* 30 October 2007 (30.10.2007)	Priority date *(day/month/year)* 08 November 2006 (08.11.2006)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 13/08**(2006.01),**13/00**(2006.01) USPC: 463/20,46,16;273/143R,138.2,138.1		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of ___ sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand 03 September 2008 (03.09.2008)	Date of completion of this report 12 August 2009 (12.08.2009)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Benjamin Layno Telephone No. (571) 272-4424

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US07/22933

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:
   - [x] the international application in the language in which it was filed.
   - [ ] a translation of the international application into English, which is the language of a translation furnished for the purposes of:
     - [ ] international search (under Rules 12.3(a) and 23.1(b))
     - [ ] publication of the international application (under Rule 12.4(a))
     - [ ] international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
   - [ ] the international application as originally filed/furnished
   - [x] the description:
     pages 1-16 as originally filed/furnished
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [x] the claims:
     pages NONE as originally filed/furnished
     pages* NONE as amended (together with any statement) under Article 19
     pages* 17-19 received by this Authority on 03 September 2008 (03.09.2008)
     pages* NONE received by this Authority on
   - [x] the drawings:
     pages 1/8 - 8/8 as originally filed/furnished
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [ ] a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages
   - [ ] the claims, Nos.
   - [ ] the drawings, sheets/figs
   - [ ] the sequence listing (*specify*):
   - [ ] any table(s) related to the sequence listing (*specify*):

4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - [ ] the description, pages
   - [ ] the claims, Nos.
   - [ ] the drawings, sheets/figs
   - [ ] the sequence listing (*specify*):
   - [ ] any table(s) related to the sequence listing (*specify*):

5. [ ] This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US07/22933

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-20	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 (Rule 70.7)

Claims 1-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest "at least a structural member adjoining the rear wall and at least one of the first side wall and the second wall within the gaming cabinet for providing structural reinforcement, the **structural member extending along a substantial portion of the rear wall in a height direction of the gaming cabinet".**

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

---------- NEW CITATIONS ----------

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

claims 1, 12, and 17 are amended

CLAIMS:

What is claimed is:

1. A gaming machine for conducting a wagering game comprising:

a gaming cabinet having a front door, a first side wall, a second side wall, and a rear wall, the rear wall being adjacent to at least one of the first side wall and the second side wall; and

at least one structural member adjoining the rear wall and at least one of the first side wall and the second wall within the gaming cabinet for providing structural reinforcement, the structural member extending along a substantial portion of the rear wall in a height direction of the gaming cabinet.

2. The gaming machine of claim 1, wherein the at least one structural member is two structural members, the two structural members being symmetrically positioned within the gaming cabinet.

3. The gaming machine of claim 2, further comprising a first connector plate mounted on one of the two structural members, the first connector plate having at least one connector adapted to receive an electrical communication from a plurality of high-voltage wires and deliver the electrical communication to various components of the gaming machine.

4. The gaming machine of claim 3, further comprising a second connector plate mounted on the other of the structural members, the second connector plate having at least one connector adapted to receive an electrical communication from a plurality of low-voltage wires and deliver the electrical communication to various components of the gaming machine.

5. The gaming machine of claim 4, wherein the first and second connector plates are removable without a tool.

6. The gaming machine of claim 1, wherein the at least one structural member has a first side and a second side, the first side being adjacent to one of the first and second side walls, the second side being adjacent to the rear wall.

7. The gaming machine of claim 6, wherein the at least one structural member further includes a third side connected to the first side and

the second side, the third side being traversly oriented with respect to the rear wall and one of the first and second side walls.

8. The gaming machine of claim 1, wherein the at least one structural member includes at least one connector plate having at least one connector for connecting one or more of AC and DC wires to corresponding components of the gaming machine.

9. The gaming machine of claim 8, wherein the connector plate is made using a conductive and corrosion resistant material.

10. The gaming machine of claim 9, wherein the connector plate is zinc-plated.

11. The gaming machine of claim 1, wherein the at least one structural member is made using a conductive and corrosion resistant material.

12. A method for manufacturing a gaming machine comprising:

providing a gaming cabinet having a front door, a first side wall, a second side wall, and a rear wall, the rear wall being adjacent to at least one of the first side wall and the second side wall; and

structurally reinforcing the gaming cabinet with at least one structural corner member extending between the rear wall and at least one of the first side wall and the second wall within the gaming cabinet along a substantial portion of the real wall in a height direction of the gaming cabinet.

13. The method of claim 12, wherein the at least one structural corner member is two structural corner members, the two structural corner members being symmetrically positioned within the gaming cabinet.

14. The method of claim 12, wherein the at least one structural corner member is made using a conductive and corrosion resistant material.

15. The method of claim 14, further comprising attaching a connector plate to the at least one structural corner member, the connector plate having at least one connector adapted to receive and distribute at least one of a DC wire and AC wire to respective components of the gaming machine.

16. The method of claim 15, wherein the connector plate on the at least one structural corner member is made using a conductive and corrosion resistant material.

17. A gaming machine for conducting a wagering game comprising:

a main cabinet generally enclosing an interior of the gaming machine, the main cabinet being formed by a first panel, a second panel, a third panel and a main door, the first panel being generally opposite the third panel, the second panel being generally opposite the main door; and

two structural members located in the interior of the gaming machine, one of the structural members being positioned to simultaneously support the first panel and the second panel, another one of the structural members being positioned to simultaneously support the second panel and the third panel, each of the two structural members extending along a substantial portion of the real wall in a height direction of the main cabinet.

18. The gaming machine of claim 17, wherein the two structural members are made using galvanized steel.

19. The gaming machine of claim 17, wherein the two structural members each include a connector plate having a connector adapted to receive and distribute at least one of high-voltage power and operational control signals to various components of the gaming machine.

20. The gaming machine of claim 19, wherein the connector plate is attachable and removable without the use of a tool.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/513,483	05/04/2009	Charles R. Bleich	247079-000546USPX	2786

70243 7590 07/26/2011
NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER
WITHERS, GRANT S

ART UNIT	PAPER NUMBER
2895	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

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

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

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NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of	
BLEICH et al.	**: DECISION ON REQUEST TO**
Application No.: 12/513,483	**: PARTICIPATE IN THE PATENT**
Filed: 04 May 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 247079-000546USPX	**: PROGRAM AND PETITION**
For: GAMING MACHINE HAVING	**: TO MAKE SPECIAL UNDER**
STRUCTURAL MEMBERS	**: 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 08 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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

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

United States Patent and Trademark Office

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

MAILED

JAN 18 2011

PCT LEGAL ADMINISTRATION

WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS TX 77433

In re Application of	:	
Gagner et al.	:	
Application No.: 12/513,486	:	
PCT No.: PCT/US2007/084316	:	
Int. Filing Date: 09 November 2007	:	DECISION
Priority Date: 09 November 2006	:	
Attorney Docket No.: 100.006US1	:	
For: Wagering Game Account Management System	:	

This is in response to the declaration filed on 06 April 2010.

DISCUSSION

In a Decision mailed on 26 January 2010, applicants were advised that the declaration filed on 02 June 2009 was not acceptable because

> ...it nominates a joint inventor (Mr. Gura) whose name does not appear in the published international application. In addition, the sheet signed by Mr. Rathsack includes an un-initialed alteration. Also, the declaration appears to have been assembled by adding apparently faxed sheets (2, 4 and 6) to other sheets which were not faxed, to arrive at the document submitted.

In response, counsel has submitted a new executed declaration. Inspection of this declaration reveals that it nominates an inventor (Gura) who was not named in the published international application. As such, it would not be appropriate to accept this declaration for purposes of compliance with 37 CFR 1.497(a) and (b) at this time. Counsel may wish to consider filing a submission under 37 CFR 1.497(d), as appropriate.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

Applicants are required to file a fully satisfactory response (acceptable oath or declaration, or submission under 37 CFR 1.497(d)) within **ONE (1) MONTH** from the mailing date of this Decision. Extensions of time under 37 CFR 1.136(a) are **NOT** available. Failure to timely reply will result in **ABANDONMENT.** This period for response is analogous to that which would be set by a Notification of Defective Response (Form PCT/DO/EO/916).

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

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

United States Patent and Trademark Office

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

MAILED

MAY 10 2011

PCT LEGAL ADMINISTRATION

WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS TX 77433

In re Application of	:	
Gagner et al.	:	
Application No.: 12/513,486	:	
PCT No.: PCT/US2007/084316	:	
Int. Filing Date: 09 November 2007	:	DECISION
Priority Date: 09 November 2006	:	
Attorney Docket No.: 100.006US1	:	
For: Wagering Game Account Management System	:	

This is in response to the correspondence filed on 17 February 2011, which relates to the declaration filed on 06 April 2010.

DISCUSSION

In a Decision mailed on 18 January 2011, applicants were advised that the declaration filed on 06 April 2010 was not acceptable because

> Inspection of this declaration reveals that it nominates an inventor (Gura) who was not named in the published international application. As such, it would not be appropriate to accept this declaration for purposes of compliance with 37 CFR 1.497(a) and (b) at this time. Counsel may wish to consider filing a submission under 37 CFR 1.497(d), as appropriate.

In response, applicants have provided a copy of Form PCT/IB/306 and indicated that it "proves that Damon E. Gura is a named inventor for this patent application." Inspection of said form reveals that it indicates that "GURA, Damon, E." was added as an applicant/inventor during the international phase. Accordingly, it now would be appropriate to accept the declaration filed on 06 April 2010 for purposes of compliance with 37 CFR 1.497(a) and (b).

The duplicate surcharge under 37 CFR 1.492(h) paid on 06 April 2010 will be refunded as unnecessary.

DECISION

The declaration is **ACCEPTED**, described herein.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 April 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BIOMIMETIC THERAPEUTICS INC.
C/O MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of
Charles E. Hart, et al.
Application No. 12/513,491
Filed: February 23, 2010
Attorney Docket No. 597792000500

NOTICE

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIOMIMETIC THERAPEUTICS INC.
C/O MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Charles E. Hart, et al.	:	
Application No. 12/513,491	:	DECISION ON PETITION
Filed: February 23, 2010	:	
Attorney Docket No. 597792000500	:	

This is a decision on the petition under 37 CFR 1.182, filed, April 8, 2011, to change the order of the named inventors in the above-identified application.

The petition is **DISMISSED**.

The request cannot be granted because the application data sheet provided is unsigned.

In view of the above, the petition under § 1.182 to amend the order of inventors cannot be granted.

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

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 concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/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

MAILED
AUG 03 2011
OFFICE OF PETITIONS

BIOMIMETIC THERAPEUTICS INC.
C/O MORRISON & FOERSTER, LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

In re Application of	:	
Charles E. Hart, et al.	:	
Application No. 12/513,491	:	DECISION ON PETITION
Filed: February 23, 2010	:	
Attorney Docket No. 597792000500	:	

This is a decision on the renewed petition under 37 CFR 1.182 filed July 7, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

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

This application is being referred to Technology Center AU 1647 for examination in due course.

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

/Carl Friedman/
Carl Friedman
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
12/513,491	02/23/2010	1647	2170	597792000500	14	2

CONFIRMATION NO. 2915

CORRECTED FILING RECEIPT

84122
Biomimetic Therapeutics Inc.
c/o Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

OC000000049027166

Date Mailed: 07/29/2011

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

Applicant(s)

Samuel E. Lynch, Franklin, TN;
Charles E. Hart, Brentwood, TN;

Assignment For Published Patent Application

BioMimetic Therapeutics, Inc., Franklin, TN

Power of Attorney: The patent practitioners associated with Customer Number 84122

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/83638 11/05/2007
which claims benefit of 60/856,588 11/03/2006

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

If Required, Foreign Filing License Granted: 02/23/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/513,491**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

COMPOSITIONS AND METHODS FOR ARTHRODETIC PROCEDURES

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).

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12513491
Filing Date	23-Feb-2010
First Named Inventor	Samuel Lynch
Art Unit	1647
Examiner Name	MARIANNE ALLEN
Attorney Docket Number	597792000500
Title	COMPOSITIONS AND METHODS FOR ARTHRODETIC PROCEDURES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 84122

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	BioMimetic Therapeutics, Inc.
Address	389 Nichol Mill Lane
City	Franklin
State	TN
Postal Code	37067
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Gladys H. Monroy/
Name	Gladys H. Monroy
Registration Number	32430

UNITED STATES 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 : September 2,2011

In re Application of :

Samuel Lynch

Application No : 12513491

Filed : 23-Feb-2010

Attorney Docket No : 597792000500

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 2,2011

The request is **APPROVED.**

The request was signed by Gladys H. Monroy (registration no. 32430) on behalf of all attorneys/agents associated with Customer Number 84122 . All attorneys/agents associated with Cusotmer Number 84122 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	BioMimetic Therapeutics, Inc.
Name2	
Address 1	389 Nichol Mill Lane
Address 2	
City	Franklin
State	TN
Postal Code	37067
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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P.O. Box 1450
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EDWARD LANGER
c/o SHIBOLETH YISRAELI ROBERTS ZISMAN & CO.
1 PENN PLAZA-SUITE 2527
NEW YORK, NY 10119

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Eli Zana	:	DECISION ON PETITION
Application No. 12/513,504	:	TO WITHDRAW
Filed: June 29, 2009	:	FROM RECORD
Attorney Docket No. 2420	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 28, 2010.

The request is **NOT APPROVED**.

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

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

Since the proper inventor was not specified for the change of correspondence address, the current request cannot be accepted.

Therefore, 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 October 25, 2010, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARD LANGER
c/o SHIBOLETH YISRAELI ROBERTS ZISMAN & CO.
1 PENN PLAZA-SUITE 2527
NEW YORK, NY 10119

MAILED

FEB 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Eli Zana	:	DECISION ON PETITION
Application No. 12/513,504	:	TO WITHDRAW
Filed: June 29, 2009	:	FROM RECORD
Attorney Docket No. 2420	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 1, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Edward Langer on behalf of all the practitioners of record associated with Customer Number 62433.

Customer Number 62433 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 from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: ELI ZANA
55 EIN MOR STREET, P.O. BOX 850
MEITAR ISRAEL 85025

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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
12/513,504	06/29/2009	Eli Zana	2420

CONFIRMATION NO. 3300

POWER OF ATTORNEY NOTICE

62433
EDWARD LANGER
c/o SHIBOLETH YISRAELI ROBERTS ZISMAN & CO.
1 PENN PLAZA-SUITE 2527
NEW YORK, NY 10119

OC000000046057266

Date Mailed: 02/17/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/01/2011.

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

/atkelley/

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

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:	12/513,600	Filing date:	May 5, 2009
First Named Inventor:	Volker Stanjek		
Title of the Invention:	Method For Adhesive Bonding With Foamable Mixtures Containing Alkoxysilane-Terminated Prepolymers		

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/EP2007/062261

The international filing date of the corresponding PCT application(s) is/are: November 13, 2007

I. List of Required Documents:

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

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

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

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12513600
First Named Inventor:	Volker Stanjek

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 May 26, 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 May 26, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7	2	Rewritten in U.S. format. New claim 7 combines the features of
(cont'd.)	(cont'd.)	former claims 7 and 8, corresponding to claims 1 and 2 of the PCT
9	2, 4	PCT claim 4, now dependent upon U.S. claim 7, corresponding to PCT claim 2 -
(cont'd.)	(cont'd.)	amended to delete multiple dependencies
11	2, 5	PCT claim 5, dependent on U.S. claim 7, and amended to eliminate multiple dependencies
13	2, 6	PCT claim 6, dependent on U.S. claim 7, and amended to eliminate multiple dependencies
14	2	Further limits claim 7. Support page 14, line 11
15	2	Further limits claim 7. Support page 14, line 11

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

Signature /William G. Conger/	Date April 14, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/513,600	05/05/2009	Volker Stanjek	WAS1014PUSA	4021

22045 7590 06/27/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
1745	

MAIL DATE	DELIVERY MODE
06/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 27 2011

CT

In re application of Volker Stanjek Serial No. 12/513,600 Filed: May 5, 2009 For: METHOD FOR ADHESIVE BONDING WITH FOAMABLE MIXTURES CONTAINING ALKOXYSILANE-TERMINATED PREPOLYMERS	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 15, 2011, to make the above-identified application special.

The request and petition are **DISMISSED** as moot. Specifically, a non-final Office Action was mailed in this application on June 20, 2011.

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

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

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

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

The request to participate in the PPH program and petition fail because:

(5) Examination of the U.S. application has begun. Specifically, note that a non-final Office Action was mailed in this application on June 20, 2011

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/513,679	05/06/2009	Takahiro Kitamura	341207US26X PCT	4834

22850 7590 09/27/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
THOMAS, DAVID B

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
09/27/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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United States Patent and Trademark Office
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

In re Application of	:	
KOBAYASHI, TAKASHI, et al.	:	DECISION ON REQUEST TO
Application No. 12/513,679	:	PARTICIPATE IN PATENT
Filed: May 06, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 341207US26X PCT	:	PROGRAM AND PETITION
For: WORK POSITIONING METHOD, AND	:	TO MAKE SPECIAL UNDER
POSITIONING DEVICE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 20, 2011 to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Joseph Hail, SPE of Art Unit 3723, and 571-272-4485 for Class 269 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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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Tomohiro Numajiri	:	
Application No. 12/513,694	:	DECISION GRANTING PETITION
Filed: June 2, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OLI-059	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 3, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED
MAR 07 2012
OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Butler et al.	: PARTICIPATE IN THE PATENT
Application No. 12/513,703	: PROSECUTION HIGHWAY
Filed: May 6, 2009	: PROGRAM AND PETITION
Attorney Docket No. 102792-981(11912P1)	: 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 **DISMISSED**.

Discussion

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

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, 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 EPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   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 EPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the PCT application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT 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 PCT application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the EPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the EPO examiner in the EPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the EPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Condition (4) above is considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet conditions (1-3) and (5-6).

Regarding the requirement of condition (1), petitioner is requesting PPH benefit from EPO application EP 2125044. However, a review of USPTO records reveals the above-identified application is a national stage entry of PCT/GB2007/004252.

Regarding the requirement of condition (2), applicant has failed to submit a copy of the allowable/patentable claim(s) for which priority is being requested. Petitioner has submitted multiple sets of claims with no identification as to which set of claims is to be considered along with the petition.

Regarding the requirement of condition (3), without requirement (2) being met applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the EPO application.

Regarding the requirement of condition (5), without requirements (2) and (3) it is undeterminable if a copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the PCT application(s) containing the allowable/patentable claim(s) was filed with the petition. It is not clear on the record which claims have been allowed in the EPO application. Additionally, it is noted that petitioner has submitted a Written Opinion for PCT/GB2007/004252 that cites claims 1-31 have no Novelty or Inventive step, as well as Box No. VIII having been checked.

Regarding the requirement of condition (6) since it is unknown what documents were cited by the EPO examiner the IDS submitted by petitioner May 6, 2009 does not meet the requirements of condition (6). Additionally, it is noted that petitioner asserts that the foreign reference WO

01/05442 A1 "Takes the place of EP1196203 A1 (art. 153 of the EPC)". Petitioner is reminded that a reference cited in a Written Opinion" cannot be a substitution.

Further, petitioner is reminded that the requirement of conditions (2) and (5) additionally require a statement that the English translations are accurate.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document 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 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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED

MAR 29 2012

OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Butler et al.	: PARTICIPATE IN THE PATENT
Application No. 12/513,703	: PROSECUTION HIGHWAY
Filed: May 6, 2009	: PROGRAM AND PETITION
Attorney Docket No. 102792-981(11912P1)	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the second request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 19, 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 EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must:

   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s) and

   b. Submit a claims correspondence table in English;

3. Examination of the U.S. application has not begun;

4. Applicant must submit:

   a. Documentation of prior office action:

      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the EPO 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 EPO application is a first action allowance then no office action from the EPO is necessary should be indicated on the request/petition form;

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

5. Applicant must submit:

   a. An IDS listing the documents cited by the EPO examiner in the EPO 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 Petitions Examiner 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

MAILED
OCT 08 2010
PCT LEGAL ADMINISTRATION

In re Application of AKERS et al	:	
U.S. Application No.: 12/513,718	:	
PCT Application No.: PCT/US2007/083847	:	
Int. Filing Date: 07 November 2007	:	DECISION
Priority Date Claimed: 06 November 2006	:	
Attorney Docket No.: AKER 10002.2	:	
For: BIOANODE AND BIOCATHODE STACK ASSEMBLIES	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 06 August 2010.

BACKGROUND

On 07 November 2007, applicant filed international application PCT/US2007/083847, which claimed priority of an earlier United States application filed 06 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 15 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 06 May 2009.

On 06 May 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 November 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 January 2010, applicant filed a petition under 37 CFR 1.47(a).

On 07 June 2010, this Office mailed a decision dismissing the 13 January 2010 petition.

On 06 August 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

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

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

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Jacob Whited refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Mr. Whited for signature and that Mr. Whited received such papers (see

copy of signed return receipt). Mr. Whited's failure to return an executed declaration in response to the letter delivered to him along with Mr. Whited's failure to return multiple telephone messages left for him (see affidavit of Janet Hendrickson) constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Mr. Whited refuses to join in the application.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 07 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 January 2010.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

Jacob Whited
2445 Cleveland, Apt. D
Granite City, IL 62040

In re Application of AKERS et al
U.S. Application No.: 12/513,718
PCT Application No.: PCT/US2007/083847
Int. Filing Date: 07 November 2007
Priority Date Claimed: 06 November 2006
For: BIOANODE AND BIOCATHODE STACK ASSEMBLIES

Dear Jacob Whited:

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102
Attorney Docket No.: AKER 10002.2

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/513,771	05/06/2009	Maria Fernkvist	1018798-000541	5424

21839 7590 04/05/2012
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
SU, SUSAN SHAN

ART UNIT	PAPER NUMBER
3761	

NOTIFICATION DATE	DELIVERY MODE
04/05/2012	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):

ADIPFDD@bipc.com
offserv@bipc.com

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of:
FERNKVIST, MARIA et al
Serial No. 12/513,771
Filed: May 6, 2009
Docket: 1018798-000541
Title: ABSORBENT ARTICLE CONTAINING A BREATHABLE MATERIAL LAYER

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition and request under 37 CFR 1.59(b), filed March 12, 2012 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been paid.

In the petition, the petitioner states that an appeal brief (43 pages) directed to another case, SN 11/822,709 was inadvertently filed on February 27, 2012 in this application. Petitioner requests removal of the forty-three-page appeal brief inadvertently filed on February 27, 2012.

The petition is **granted**.

The USPTO does not remove any papers filed in an application. However, since the applicant has unintentionally filed the appeal brief on February 27, 2012, the forty-three-page appeal brief has been blocked from public view in the Public Pair system.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

for

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 7,2011

In re Application of :

James Feine

Application No : 12513850

Filed : 15-Oct-2009

Attorney Docket No : 31007/32025A

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 June 7,2011

The request is **APPROVED**

The request was signed by Jeremy Kriegel (registration no. 39257) on behalf of all attorneys/agents associated with Customer Number 4743 . All attorneys/agents associated with Customer Number 4743 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 23508 .

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

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

Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12513850
Filing Date	15-Oct-2009
First Named Inventor	James Feine
Art Unit	2121
Examiner Name	RONALD HARTMAN JR
Attorney Docket Number	31007/32025A
Title	TIP-BASED COMPUTER CONTROLLED SYSTEM FOR A HAND-HELD DENTAL DELIVERY DEVICE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 4743

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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 23508

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Jeremy R. Kriegel, Reg. No. 39,257/
Name	Jeremy Kriegel
Registration Number	39257

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/513,964	05/07/2009	Satoshi Nishikawa	Q113293	6913

23373 7590 12/16/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
MOHADDES, LADAN

ART UNIT	PAPER NUMBER
1726	

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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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

December 16, 2010

In re application of	:	DECISION ON REQUEST TO
Satoshi Nishikawa	:	PARTICIPATE IN PATENT
Serial No. 12/513,964	:	PROSECUTION HIGHWAY
Filed: May 7, 2009	:	PROGRAM AND
For: SEPARATOR FOR NON-AQUEOUS	:	PETITION TO MAKE SPECIAL
SECONDARY BATTERY	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 1, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/513,978	01/26/2010	Arjen Schepen	30758/13128	6990

57726 7590 01/27/2011
MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO, IL 60606

EXAMINER	
ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
01/27/2011	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):

kdas@MILLERMATTHIASHULL.COM
bmatthias@millermatthiashull.com

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MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

In re Application of SCHEPEN, ARJEN et al Application No. 12/513,978 Filed: May 5, 2009 Attorney Docket No. 30758/13128 For: CONTAINER WITH LID	: DECISION ON REQUEST TO : PARTICIPATE IN PATENT : PROSECUTION HIGHWAY : PILOT PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 25, 2011 to make the above-identified application special.

The request and petition are Dismissed.

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

The 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 18-37 which are not sufficiently corresponding to allowable claims 1-15 of PCT search report and search opinion of PCT/EP/2007/062071. A list of PCT allowed claims 1-15 is not provided. Thus, Item #3 is not satisfied and for this reason the petition can not be granted.

With regard to Item #3, the cited French patent is missing. A copy of FR 2804094 A127-07-2001 is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/513,978	01/26/2010	Arjen Schepen	30758/13128	6990

57726 7590 07/20/2011
MILLER, MATTHIAS & HULL LLP
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO, IL 60606

EXAMINER
CASTILLO, KEVIN CHARLES

ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
07/20/2011	ELECTRONIC

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

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

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

bmatthias@millermatthiashull.com
swallace@millermatthiashull.com

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MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO, IL 60606

In re Application of: SCHEPEN, Arjen, et al Serial No.: 12/513,978 Filed: May 5, 2009 Attorney Docket No. : 30758/13128 Title: CONTAINER WITH LID	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 26, 2011 to make the above-identified application special.

The request and petition are dismissed as moot.

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 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 failed to meet condition Item #4 above.

Examination of this application has already begun. A non-final rejection was mailed on June 23, 2011. Applicant has the set statutory period to reply to the office action. In light of this, the other issues on petition for participation in the PPH program are considered moot.

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 **dismissed as moot.**

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

MAILED
JUN 27 2011
OFFICE OF PETITIONS

Applicant: Bolla, et al.
Appl. No.: 12/514,008
International Filing Date: November 9, 2006
Title: METHOD AND DEVICE FOR HITLESS TUNABLE OPTICAL FILTERING
Attorney Docket: MOSA-45337
Pub. No.: US 2010/0189441 A1
Pub. Date: July 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 28, 2010 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on May 7, 2009, was not included in the publication.

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

The requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) § 1.215(c) states that applicant may file an amended

[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).

copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on September 28, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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.

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

1 6 SEP 2010

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TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

In re Application of THOMAS et al. Serial No.: 12/514,013 PCT App. No.: PCT/US07/83769 Int'l Filing Date: 06 November 2007 Priority Date: 07 November 2006 Attorney Docket No.: SPOINT1 For: SYSTEM AND METHOD TO VALIDATE AND AUTHENTICATE DIGITAL DATA	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's petition under 37 CFR 1.47(a), filed 21 July 2010 in the above-captioned application in the United States Patent and Trademark Office (USPTO). Petitioner's request for a five month extension of time is granted.

BACKGROUND

On 05 January 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required along with the surcharge for filing this document after the thirty month period.

On 02 July 2010, applicant filed, *inter alia*, three executed declarations and a petition pursuant to 37 CFR 1.47(a) to accept the application without the signature of the non-signing inventor Ray Nightingale.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1) is satisfied with the payment of the petition fee. With respect to Item (2) above, counsel of record delivered a copy of the application papers including declaration to the nonsigning inventor on 9 June 2010. On 18 June 2010, legal counsel for the nonsigning inventor contacted counsel of record via email. Counsel for inventor Nightingale informed counsel of record of Mr. Nightingale's unwillingness to sign the application papers. A copy of the correspondence was attached to the petition. Thus, it can now be concluded that inventor Nightingale received a complete copy of the application papers and through his attorney, refuses to sign them. Item (2) is now satisfied with respect to inventor Nightingale.

Item (3) is satisfied with the submission of the last known address of the nonsigning inventor.

However, with respect to Item (4), the three declarations executed by inventors are unacceptable. The declarations do not satisfy the requirements of 37 CFR 1.497(a) and (b) because the declarations do not identify all the inventors. Specifically, each declaration identifies only three of the four inventors listed on the declaration. One declaration identifies inventors Nightingale, Thomas and Geppert. The second declaration identifies Pilfold, Thomas, and Geppert. The third declaration identifies Nightingale, Thomas and Geppert. The declarations, as executed by the joint inventors, are incomplete and do not satisfy the requirements of 37 CFR 1.497(a) and (b). Thus, the requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declarations executed by inventors are unacceptable as filed. Item (4) is not yet satisfied.

Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED WITHOUT PREJUDICE.**

For the reasons set forth above, the declarations submitted on 21 July 2010 are unacceptable as filed. Declarations in compliance with 37 CFR 1.497(a) and (b) are required.

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision. Extensions of this time limit may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3286
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 08 2011

PCT LEGAL ADMINISTRATION

TROUTMAN SANDERS LLP
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600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

In re Application of THOMAS et al. Serial No.: 12/514,013 PCT App. No.: PCT/US07/83769 Int'l Filing Date: 06 November 2007 Priority Date: 07 November 2006 Attorney Docket No.: SPOINT1 For: SYSTEM AND METHOD TO VALIDATE AND AUTHENTICATE DIGITAL DATA	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) regarding inventor Ray Nightingale's refusal to sign the application papers, filed 30 March 2011 in the above-captioned application in the United States Patent and Trademark Office (USPTO). Petitioner's request for a five month extension of time is granted.

Applicant now petitions under 37 CFR 1.47(a) regarding inventor Bradley Geppert's refusal to sign the application papers.

BACKGROUND

On 05 January 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required along with the surcharge for filing this document after the thirty month period.

On 02 July 2010, applicant filed, *inter alia*, two executed declarations. On 21 July 2010, applicant filed an additional declaration executed by inventor Geppert and a petition pursuant to 37 CFR 1.47(a) to accept the application without the signature of the non-signing inventor Ray Nightingale.

On 16 September 2010, a decision dismissing applicant's petition was mailed.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Non-signing Inventor Nightingale

Items (1), (2) and (3) were previously satisfied. With respect to Item (4), applicant has provided a declaration executed by the joint inventors on behalf of the non-signing inventors, which meets the requirements of 47 CFR 1.497. Item (4) is satisfied.

The applicant's residence (that is, the city and state or foreign country) and mailing address where the applicant customarily receives mail is required to be included in the declaration for compliance with 37 CFR 1.63 unless it is included in an Application Data Sheet (37 CFR 1.76). See MPEP section 605.02 and 605.03. Here, it is noted that the residence and mailing address of the applicants were not provided on the declaration and therefore are required to be submitted on an Application Data Sheet. An Application Data Sheet was not presented with the declaration and will be required. The declarations, executed by the joint inventors, satisfy the requirements of 37 CFR 1.497(a) and (b). Item (4) is satisfied.

Non-signing Inventor Geppert

With respect to nonsigning inventor Bradley Geppert, applicant provided Item (1) above with submission of the petition fee.

With respect to Item (2) above, counsel of record Schneider provided a first hand statement of facts which indicated that he delivered a copy of the application papers including declaration to the nonsigning inventor Geppert on 10 February 2011. Proof of delivery of the application papers via Federal Express on 14 February 2011 was provided. A copy of the application papers was also sent to inventor Geppert via email on 10 February 2011.

On 11 February 2011, in the course of an email exchange between Mr. Geppert and counsel of record, Mr. Geppert indicates that he will not sign the assignment. Counsel of record's reply asks for his signature on the declaration alone but Mr. Geppert indicates that he wants to be paid. Copies of the email correspondence were attached to the petition. Thus, it can be concluded that inventor Geppert received a complete copy of the application papers and refuses to sign them. Item (2) is satisfied with respect to inventor Geppert.

Item (3) is satisfied with the submission of the last known address of the nonsigning inventor Geppert.

With respect to Item (4), as stated above, applicant filed a declaration executed by two of the four joint inventors, which meets the requirements of 47 CFR 1.497. An Application Data Sheet is required providing the residence and mailing address of the applicants. Item (4) is satisfied.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petitions under 37 CFR 1.47(a) are **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 30 March 2011. The application has an international filing date of 06 November 2007 under 35 U.S.C. 363, and a date of 30 March 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3286
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 08 2011

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

BRADLEY GEPPERT
12 CHESTNUT AVENUE
NORTHWOOD
HA6 1HR
UNITED KINGDOM

In re Application of :
THOMAS et al. :
Serial No.: 12/514,013 :
PCT App. No.: PCT/US07/83769 :
Int'l Filing Date: 06 November 2007 :
Priority Date: 07 November 2006 :
Attorney Docket No.: SPOINT1 :
For: SYSTEM AND METHOD TO VALIDATE :
AND AUTHENTICATE DIGITAL DATA :

Dear Mr. Geppert:

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

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

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JUN 08 2011

PCT LEGAL ADMINISTRATION

RAY NIGHTINGALE
AM BRANDHUGEL 2, 41169
MUNCHENGLADBACH
GERMANY

In re Application of :
THOMAS et al. :
Serial No.: 12/514,013 :
PCT App. No.: PCT/US07/83769 :
Int'l Filing Date: 06 November 2007 :
Priority Date: 07 November 2006 :
Attorney Docket No.: SPOINT1 :
For: SYSTEM AND METHOD TO VALIDATE :
AND AUTHENTICATE DIGITAL DATA :

Dear Mr. Nightingale:

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

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

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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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,013	03/30/2011	Alun Thomas	SPOINT1	7168

6980 7590 10/04/2011
TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

EXAMINER	
ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
10/04/2011	ELECTRONIC

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

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

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

jim.schutz@troutmansanders.com
patents@troutmansanders.com
ryan.schneider@troutmansanders.com

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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James Hunt Yancey, Jr.
TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

In re Application of: THOMAS, A. et al.
Application No.: **12/514,013**
Filed: March 20, 2011
Atty Docket No. SPOINT1
For: SYSTEM AND METHOD TO VALIDATE AND AUTHENTICATE DIGITAL DATA

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed **July 28, 2010**, 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 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) 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.

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

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

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

Accordingly, the petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088.

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

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

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OCT 15 2010

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of WALKER, John Michael, et al. Application No.: 12/514,030 PCT No.: PCT/EP2006/068326 Int. Filing Date: 10 November 2006 Priority Date: None Docket No.: P20960-US1 For: METHOD AND APPARATUS FOR CONTROLLING COMMUNICATIONS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 17 August 2010.

BACKGROUND

On 17 June 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 17 August 2010, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) have been met. The $200 petition fee will be charged to deposit account no. 50-1379, as authorized. Applicant states the last known address of Mr. John Michael Walker as Gerstkamp 87; 2592 Den Haag; Netherlands. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **04 December 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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OCT 15 2010

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

John Michael Walker
Gerstkamp 87
2592 Den Haag
Netherlands

In re Application of
WALKER, John Michael, et al.
Application No.: 12/514,030
PCT No.: PCT/EP2006/068326
Int. Filing Date: 10 November 2006
Priority Date: None
Docket No.: P20960-US1
For: METHOD AND APPARATUS FOR CONTROLLING COMMUNICATIONS

Dear Mr. Walker:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

Attorney Docket No. P21675-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Attila Bader	§	Group Art Unit:	2464
		§		
Application No:	12/514,046	§	Examiner:	Iqbal Zaidi
		§		
Filed:	October 5, 2009	§	Confirmation No.	7440

FOR: EDGE NODE FOR A NETWORK DOMAIN

Via EFS-Web

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102

In accordance with the U.S.P.T.O.'s "Backlog Reduction Stimulus Plan," as set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant") submits this Petition to Make Special (this "Petition") and requests that the above-referenced application (the "Present Application") be accorded special status under 37 C.F.R. § 1.102.

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/346,328 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) Applicant is currently the sole assignee of both the Present Application and the Abandoned Application and has been since before October 1, 2009;

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R.§ 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) The Present Application and the Abandoned Application have both been owned by Telefonaktiebolaget LM Ericsson, as sole assignee, since before October 1, 2009, which qualifies the Present Application for special status pursuant to the Backlog Reduction Stimulus Plan;

d) As indicated above, the Abandoned Application was assigned the application number U.S. Pat. Appl. No. 12/346,328;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

Electronic Acknowledgement Receipt

EFS ID:	9147151
Application Number:	12346328
International Application Number:	
Confirmation Number:	9290
Title of Invention:	Content Addressable Memory and Method
First Named Inventor/Applicant Name:	Jeremy Horner
Customer Number:	27045
Filer:	Steven Ware Smith/Todd Cason
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P27875-US1
Receipt Date:	31-DEC-2010
Filing Date:	30-DEC-2008
Time Stamp:	20:02:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	P27875-RequestFile.pdf	24928 81c07a315be7ab7be786667764627ac3fe0ec706	no	2

Warnings:

Information:

Total Files Size (in bytes):	24928

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. P27875-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Jeremy Horner	§	Group Art Unit:	2189
		§		
Application No:	12/346,328	§	Examiner:	Reginald Bragdon
		§		
Filed:	December 30, 2008	§	Confirmation No.	9290

FOR: CONTENT ADDRESSABLE MEMORY AND METHOD

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

DECLARATION OF EXPRESS ABANDONMENT UNDER 37 C.F.R § 1.138

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively, the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 12/346,328 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 12/346,328.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

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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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
BADER, et al.	:	DECISION ON PETITION
Application No. 12/514,046	:	TO MAKE SPECIAL
Filed: October 5, 2009	:	37 CFR 1.102
Attorney Docket No. **P21675-US1**	:	

This is a decision on the petition under 37 CFR 1.102, filed December 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

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

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

0 4 AUG 2010

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

37999
24IP LAW GROUP USA, PLLC
12 E. Lake Drive
Annapolis, MD 21403

In re Application of :
SCHINDLER *et al* :
Application No.: 12/514,175 :
PCT No.: PCT/DE2007/002035 :
Int. Filing Date: 12 November 2007 : **DECISION**
Priority Date: 10 November 2006 :
Attorney Docket No.: 4091.31157 :
For: METHOD FOR MANUFACTURING :
FINE MINERAL POWDER PRODUCTS :

This decision is in response to the renewed petition under 37 CFR 1.42 filed 14 June 2010.

BACKGROUND

On 15 April 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 14 June 2010, applicant filed a response which was accompanied by, *inter alia*, a declaration executed by the legal representatives of Christoph BAUER, and a copy of the declaration signed by Ulrich SCHINDLER, previously submitted.

DISCUSSION

Applicants submitted a declaration signed by Giselbert BAUER and Annemarie BAUER two legal representatives of the deceased inventor, Christoph BAUER. The citizenship, residence, and mailing address of the legal representatives are recorded on the declaration as required. The declaration also lists the citizenship of all the inventors required by 37 CFR 1.497(a)(3).

A copy of the declaration signed by co-inventor, Ulrich SCHINDLER, and filed initially on 28 February 2010 was also provided.

This declaration meets the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 November 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 14 June 2010.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

17 SEP 2010

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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Law Offices of Ronald M. Anderson
600 108th Ave, NE
Suite 507
Bellevue WA 98004

In re Application of	:	
MCKENZIE-JONES et al.	:	
U.S. Application No. 12/514,192	:	
PCT No.: PCT/GB2007/004304	:	DECISION ON
Int. Filing Date: 12 November 2007	:	REQUEST UNDER 37 CFR 1.42
Priority Date: 10 November 2006	:	&
Attorney Docket No.: BARK0006	:	PETITION UNDER
For: VAPOUR DELIVERING DEVICE	:	37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 05 August 2010 to accept the application without the signature of of joint-inventor, Christopher Clews and the legal representative of the deceased joint-inventor, Jason Paddock. Additionally, the declaration submitted on 05 January 2010 will (now) be considered pursuant to 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 12 November 2007, applicants filed international application PCT/GB2007/004304. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 10 May 2009.

On 08 May 2009, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia,* the requisite basic national fee and a copy of the international application.

On 03 November 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (From PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 04 January 2010, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 07 June 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 05 August 2010, applicants filed the present petitions.

DISCUSSION

Section 409.03(c) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> "37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e))."

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Applicants have satisfied Items (1) and (2).

Regarding item (2), the petition asserts that the nonsigning inventor and legal representative of deceased inventor have refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

a. Christopher Clews

Here, the evidence submitted to demonstrate the refusal of Christopher Clews to execute the application papers is contained in the statement of Josephine Kent included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement.

b. Jason Paddock (legal representative of deceased inventor)

Here, the evidence submitted to demonstrate the refusal of Jason Paddock to execute the application papers is contained in the statement of Josephine Kent included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with

documentary evidence supporting the statement.

Regarding item (3), applicants have not provided the last known address of the nonsigning inventor. Additionally, applicants have not provided the last known address of the legal representative of the deceased inventor. Accordingly, item (3) has not been satisfied.

Regarding item (4) above, an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor has been submitted with the present petition, however, the declaration is not in compliance with 37 CFR 1.42 and 1.497(b)(2).

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Additionally, 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

As stated above, the declaration must identify the legal representative's full name, citizenship; and mailing address (as well as the deceased inventor's name and citizenship).

For the reasons stated above, it would not be appropriate to accept the application without the signature of the legal representative of the deceased joint-inventor under 37 CFR 1.47(a) at this time.

CONCLUSION

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

The request for status under 37 CFR 1.42 is **REFUSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

UNITED STATES 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 Ronald M. Anderson
600 108th Ave, NE
Suite 507
Bellevue WA 98004

MAILED
JAN 24 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
MCKENZIE-JONES et al.	:	
U.S. Application No. 12/514,192	:	
PCT No.: PCT/GB2007/004304	:	DECISION ON
Int. Filing Date: 12 November 2007	:	REQUEST UNDER 37 CFR 1.42
Priority Date: 10 November 2006	:	&
Attorney Docket No.: BARK0006	:	PETITION UNDER
For: VAPOUR DELIVERING DEVICE	:	37 CFR 1.47(a)

This decision is issued in response to applicants' (Second) "Renewed Petition under 37 CFR 1.47(a)" filed 15 November 2010 to accept the application without the signature of joint-inventor, Christopher Clews and the legal representative of the deceased joint-inventor, Jason Paddock. Additionally, the declaration submitted on 15 November 2010 will (now) be considered pursuant to 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 12 November 2007, applicants filed international application PCT/GB2007/004304. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 10 May 2009.

On 08 May 2009, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia,* the requisite basic national fee and a copy of the international application.

On 03 November 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (From PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 04 January 2010, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 07 June 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 05 August 2010, applicants filed petitions under 37 CFR 1.42 and 1.47(a). In a decision dated 17 September 2010, applicants' petition were dismissed without prejudice.

On 15 November 2010, applicants filed petitions under 37 CFR .42 and 1.47(a).

DISCUSSION

Section 409.03(c) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> "37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e))."

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Regarding item (2), the petition asserts that the nonsigning inventor and legal representative of deceased inventor have refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

a. Christopher Clews

Here, the evidence submitted to demonstrate the refusal of Christopher Clews to execute the application papers is contained in the statement of Josephine Kent included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement.

b. Jason Paddock (legal representative of deceased inventor)

Here, the evidence submitted to demonstrate the refusal of Jason Paddock to execute the application papers is contained in the statement of Josephine Kent included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete

application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Additionally, applicants have provided the last known address of the legal representative of the deceased inventor. Accordingly, item (3) has been satisfied.

Regarding item (4) above, an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor has been submitted.

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

A review of the declaration filed reveals that Jason Paddock is the (nonsigning) legal representative of deceased inventor, David Paddock. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** and the request for status under 37 CFR 1.42 is **ACCEPTED**.

The application will be given an international filing date of 12 November 2007 under 35 U.S.C. 363, and a date of **15 November 2010** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jason Paddock
189 Franchise Street
Darlaston, West Midlands
WS10 9RH
United Kingdom

MAILED

JAN 24 2011

PCT LEGAL ADMINISTRATION

In re Application of
MCKENZIE-JONES et al.
U.S. Application No. 12/514,192
PCT No.: PCT/GB2007/004304
Int. Filing Date: 12 November 2007
Priority Date: 10 November 2006
Attorney Docket No.: BARK0006
For: VAPOUR DELIVERING DEVICE

Dear Jason Paddock:

You are named as the legal representative of David Paddock, an inventor, in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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

Counsel of Record:
Law Offices of Ronald M. Anderson
600 108th Ave, NE
Suite 507
Bellevue WA 98004

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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MAILED

JAN 24 2011

PCT LEGAL ADMINISTRATION

Christopher Clews
23 Dovey Road
Tividale Warley
West Midland B69 INT
United Kingdom

In re Application of
MCKENZIE-JONES et al.
U.S. Application No. 12/514,192
PCT No.: PCT/GB2007/004304
Int. Filing Date: 12 November 2007
Priority Date: 10 November 2006
Attorney Docket No.: BARK0006
For: VAPOUR DELIVERING DEVICE

Dear Christopher Clews :

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

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

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

Counsel of Record:
Law Offices of Ronald M. Anderson
600 108th Ave, NE
Suite 507
Bellevue WA 98004

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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AUG 01 2011
PCT LEGAL ADMINISTRATION

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of	:	
SPETZ-HOLMGREN et al.	:	
Application No.: 12/514,219	:	DECISION
PCT No.: PCT/GB2007/004316	:	
Int. Filing Date: 12 November 2007	:	
Priority Date: 10 November 2006	:	
Attorney's Docket No.: 0046-P04857US00	:	
For: NOVEL COMPOSITIONS AND USES THEREOF	:	

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. 1.181" filed in the United States Patent and Trademark Office (USPTO) on 24 March 2011. No petition fee is required.

BACKGROUND

On 12 November 2007, applicants filed international application PCT/GB2007/004316, which designated the United States and claimed a priority date of 10 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 May 2009 (10 May 2009 being a Sunday).

On 08 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 03 November 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 November 2009, applicants filed a declaration of inventors.

On 12 March 2010, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed 11 November 2009 was improper because there was a difference in the spelling of the first

name of inventor Walther-Jallow on the declaration (Lillian) and on the published international application (Lilian).

On 16 March 2010, applicants filed a response including an Application Data Sheet (ADS).

On 24 February 2011, the DO/EO/US issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 03 November 2009 within the time period set therein.

On 24 March 2011, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the NOTIFICATION OF ABANDONMENT issued 24 March 2011 be vacated because the response filed 16 March 2010 was sufficient.

The response filed 24 March 2011 stated that the correct spelling for each of the inventors was set forth in the ADS filed therewith. The ADS indicated the last named inventor as Lilian Walther-Jallow.

Where a discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, the Office should simply be notified of the error. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error. MPEP § 1893.01(e).

The response filed 16 March 2010 failed to specifically state that the error in the first name of the last inventor in the declaration filed 11 November 2009 was a typographical error and that the name on the published international application was correct. However, since applicants were not notified of this failure, the NOTIFICATION OF ABANDONMENT mailed 24 February 2011 is hereby VACATED.

The petition filed 24 March 2011 indicates that the spelling of the first name (Lilian) of the last-named inventor is accurate in the published international application and the ADS filed 16 March 2010 and that the spelling (Lillian) in the declaration filed 11 November 2009 is inaccurate. This explanation of the difference in spelling between the international application and the declaration of inventors is accepted and noted for the record.

The declaration of inventors filed 11 November 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition to withdraw the holding of abandonment is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT issued 24 F4ebruary 2011 is hereby VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the names of Anna-Lena SPETZ-HOLMGREN, Ulrika JOHANSSON, Jan ANDERSSON, and Lilian WALTHER-JALLOW as inventors.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,266	05/08/2009	Nobuo Yoshida	1163-0713PUS1	8999

2292 7590 12/09/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
12/09/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC - 8 2010

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

In re application of Nobuo Yoshida Application No. 12/514,266 Filed: May 8, 2009 For: VEHICLE-MOUNTED NAVIGATION APPARTUS	: : : : : :	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed November 01, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 12/08/10

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

FEB 08 2011

PCT LEGAL ADMINISTRATION

HOYNG MONEGIER LLP
Rembrandt Tower 31st Floor
Amstelplein 1
Amsterdam 1096 HA

In re Application of	:	
VAN HEESWIJK, et al.	:	DECISION ON PETITION
Application No.: 12/514,327	:	
PCT No.: PCT/EP2007/062157	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 09 November 2007	:	
Priority Date: 09 November 2006	:	
Atty. Docket No.: 05589.0029.PCUS00	:	
For: HIGH EFFICIENCY HEAT EXCHANGER	:	
AND DEHUMIDIFIER	:	

The petition to revive under 37 CFR 1.137(b) filed 12 October 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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United States Patent and Trademark Office
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JAN 3 1 2011

PCT LEGAL ADMINISTRATION

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of	:	
PARK et al.	:	DECISION
Application No.: 12/514,369	:	
PCT No.: PCT/KR2007/005582	:	
Int. Filing Date: 06 November 2007	:	
Priority Date: 10 November 2006	:	
Attorney's Docket No.: KYO-150NP	:	
For: APPARATUS AND METHOD FOR	:	
DOWNCONVERTING RF MULTI-SIGNALS	:	
SIMULTANEOUSLY BY BANDPASS SAMPLING	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 21 January 2010. The submission has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 06 November 2007, applicants filed international application PCT/KR2007/005582 which claimed a priority date of 10 November 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 May 2009 (10 May 2009 being a Sunday).

On 11 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 06 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 December 2009, applicants submitted, *inter alia*, two declarations of inventors.

On 11 January 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declarations filed 14 December 2009 were not in accordance with 37 CFR 1.497(a)-(b) because there was a difference in the inventive entity between the published international application, which listed three inventors, and the declarations, which listed only two inventors.

On 21 January 2010, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition urges that the declaration of inventors filed 14 December 2009 be accepted. 37 CFR 1.41(a)(4) states:

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

The petition is accompanied by a Form PCT/IB/306 (NOTIFICATION OF THE RECORDING OF A CHANGE) from the International Bureau indicating that inventor Young Min JO was properly deleted under PCT Rule 92bis. Accordingly, the declarations of inventors filed 14 December 2009 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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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RENNER OTTO BOISSELLE & SKIAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Murree Groom et al	:	
Application No. 12/514,370	:	ON PETITION
Filed: May 11, 2009	:	
Attorney Docket No. IPLTP0151US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 16, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed August 8, 2011, which set a period for reply of one (1) month or the time remaining from the Notice of Allowance and Fee(s) Due (whichever is later). Accordingly the above-identified application became abandoned on September 9, 2011.

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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1 2 AUG 2010

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

In re Application of ANTUNES et al	:	
U.S. Application No.: 12/514,388	:	
PCT Application No.: PCT/FR2007/001853	:	
Int. Filing Date: 09 November 2007	:	
Priority Date Claimed: 10 November 2006	:	DECISION
Attorney Docket No.: NY-GRYN 267-US	:	
For: DEVICE FOR REDUCING FUEL	:	
CONSUMPTION AND CO2 EMISSIONS BY	:	
MEANS OF IN-PIPE TREATMENT	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 23 June 2010.

BACKGROUND

On 09 November 2007, applicant filed international application PCT/FR2007/001853, which claimed priority of an earlier France application filed 10 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 11 May 2009.

On 11 May 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 November 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 June 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

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

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

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Francisco Antunes refuses to sign the application papers. Although the petition sufficiently illustrates that Antunes refuses to sign (see Exhibit C), the petition does not adequately demonstrate that a bona fide attempt was made to present a copy of the application papers to Antunes for signature and that Antunes received such papers. It is further noted that English translations of Exhibits A and B have not been provided. Thus, it would not be reasonable to conclude at the present time that Antunes refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

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

CONCLUSION

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

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re Application of ANTUNES et al	:	
U.S. Application No.: 12/514,388	:	
PCT Application No.: PCT/FR2007/001853	:	
Int. Filing Date: 09 November 2007	:	
Priority Date Claimed: 10 November 2006	:	DECISION
Attorney Docket No.: NY-GRYN 267-US	:	
For: DEVICE FOR REDUCING FUEL	:	
CONSUMPTION AND CO2 EMISSIONS BY	:	
MEANS OF IN-PIPE TREATMENT	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 03 September 2010.

BACKGROUND

On 09 November 2007, applicant filed international application PCT/FR2007/001853, which claimed priority of an earlier France application filed 10 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 11 May 2009.

On 11 May 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 November 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 June 2010, applicant filed a petition under 37 CFR 1.47(a).

On 12 August 2010, this Office mailed a decision dismissing the 23 June 2010 petition.

On 03 September 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

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

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

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Francisco Antunes refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Antunes for signature (see affidavit of Joffrey Moretti, ¶¶3-4).

Furthermore, the petition sufficiently illustrates that Antunes refuses to sign (see Exhibit C). Thus, it can be concluded with reasonable certainty that Antunes refuses to join in the application.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 09 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 June 2010.

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

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Francisco Antunes
270 Avenue de la Marne
597 Marq en Baroeul
FRANCE

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re Application of ANTUNES et al
U.S. Application No.: 12/514,388
PCT Application No.: PCT/FR2007/001853
Int. Filing Date: 09 November 2007
Priority Date Claimed: 10 November 2006
For: DEVICE FOR REDUCING FUEL CONSUMPTION AND CO2 EMISSIONS

Dear Francisco Antunes:

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198
Attorney Docket No.: NY-GRYN 267-US

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JAN 09 2012

OFFICE OF PETITIONS

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

In re Application of
Hiroshi Machino
Application No.: 12/514,400
Filed: May 11, 2009
Attorney Docket No.: 1163-0714PUS1
For: Navigation Apparatus

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 2, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

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

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

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

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

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

The request to participate in the PPH pilot program and petition fails to meet condition (4).

As to item (4), a non-final office action was mailed on July 22, 2011 and a reply was received on October 21, 2011.

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

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

Anthony Knight
Director
Office of Petitions

UNITED STATES 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 No : 8,044,633 B2
Ser. No. : 12/514,413
Inventor(s) : Kazutaka Tatematsu, et. al.
Issued : October 25, 2011

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.

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 is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Sughrue Mion,PLLC
2100 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20037

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/514,413	05/11/2009	Kazutaka Tatematsu	Q113332	1378

23373 7590 11/09/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
MASIH, KAREN

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
11/09/2011	ELECTRONIC

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

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

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

USPTO@sughrue.com
sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM

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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	**: DECISION ON REQUEST TO**
TATMATSU et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/514413	**: PROSECUTION HIGHWAY**
Filed: 11 May 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: Q113332	**: TO MAKE SPECIAL UNDER**
For: DRIVE DEVICE OF ELECTRIC MOTOR	**: 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 15 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED** as moot as the application has been allowed.

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

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

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Tatematsu et al.	:	
Application No. 12/514413	:	DECISION
Filing or 371(c) Date: 05/11/2009	:	ON PETITION
Attorney Docket Number: Q113332	:	

This is a decision on the "Response to Decision on Request for Certificate of Correction," filed November 15, 2011, to correct the name of the assignee on the front page of the above-identified application by way of a Certificate of Correction. The petition is properly treated as a petition under 37 CFR 3.81(b)[1].

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect that TOYOTA JIDOSHA KABUSHIKI KAISHA AND NATIONAL UNIVERSITY CORPORATION NAGOYA INSTITUTE OF TECHNOLOGY, are the assignees of record. 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.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate 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[2].

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

[2] 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.

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PCT LEGAL ADMINISTRATION

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of AURIFFEILLE et al. Serial No.: 12/514,433 PCT No.: PCT/EP07/62209 Int. Filing Date: 12 November 2007 Priority Date: 10 November 2006 Atty Docket No.: 015675.P640 For: METHODS AND SYSTEMS FOR COMMUNITY-WIDE INFORMATION EXCHANGE VIA INDIVIDUAL COMMUNICATIONS TERMINALS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 03 January 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor PIERRE RICHARD. Applicant's request for four month extension of time is granted.

BACKGROUND

On 12 November 2007, applicant filed international application PCT/EP2007/62209. The application claimed a priority date of 10 November 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 May 2009 (10 May 2009 was a Sunday).

On 11 May 2009, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 01 July 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating, among other materials, that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 03 January 2011, a response to the Notification Of Missing Requirements was filed. The response included request for extension of time and the "Petition Under 37 CFR §1.47(a)" considered herein. The petition requests acceptance of the application without the signature of inventor of record PIERRE RICHARD, whom petitioner asserts has refused to execute the

application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant paid $130 for the petition fee. The appropriate fee is $200. Applicant's deposit account will be charged the petition fee of $200 per his authorization. Item (1) is satisfied.

Regarding item (2), Petitioner submitted a statement from Eric Le Forestier, with supporting documents, providing firsthand information that a copy of the application papers were forwarded to the non-signing inventor at his last known address. The petition also includes evidence that at least one such request was sent by registered mail, and allegedly was signed for by the inventor at his address. However, an English translation of the French registered mail postal receipt was not provided and is required. Moreover, Mr. Le Forestier does not indicate in his statement whether Mr. Richard made any reply to the letter of 23 November 2010 requesting his signature on the declaration. These materials are necessary to provide an acceptable showing that the non-signing inventor has refused to execute the application. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal.[1] Item (2) is not yet satisfied.

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

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

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

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition was accompanied by a declaration signed on behalf of the nonsigning inventor by the joint inventors. Item (4) is therefore satisfied.

In sum, Items (1),(3) and (4) are satisfied. As set forth above, Item (2) is not yet satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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OCT 19 2011

PCT LEGAL ADMINISTRATION

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of AURIFFEILLE et al. Serial No.: 12/514,433 PCT No.: PCT/EP07/62209 Int. Filing Date: 12 November 2007 Priority Date: 10 November 2006 Atty Docket No.: 015675.P640 For: METHODS AND SYSTEMS FOR COMMUNITY-WIDE INFORMATION EXCHANGE VIA INDIVIDUAL COMMUNICATIONS TERMINALS	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 16 August 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor PIERRE RICHARD. Applicant's request for a three month extension of time is GRANTED.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 22 March 2011 and is hereby incorporated by reference. The renewed petition requests acceptance of the application without the signature of inventor of record PIERRE RICHARD, whom petitioner asserts has refused to execute the application.

DISCUSSION

As stated previously, a petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1),(3) and (4).

Regarding item (2), Petitioner submitted a statement of Eric LeForestier, with supporting documents, providing firsthand confirmation that a request for signature accompanied by a copy

of the application was forwarded to the non-signing inventor at his last known and that the inventor has not responded to such requests. The petition also includes evidence confirming that such request was sent by registered mail and was signed for by the inventor. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (2) is therefore satisfied.

In sum, Items (1)-(4) are satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 03 January 2011. The application has an international filing date of 12 November 2007 under 35 U.S.C. 363, and a date of 03 January 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OCT 19 2011

PCT LEGAL ADMINISTRATION

PIERRE RICHARD
5 RUE JOSEPH VIDAL
34000 MONTPELLIER
FRANCE

In re Application of
AURIFFEILLE et al
Serial No.: 12/514,433
PCT No.: PCT/EP07/62209
Int. Filing Date: 12 November 2007
Priority Date: 10 November 2006
Atty Docket No.: 015675.P640
For: METHODS AND SYSTEMS FOR COMMUNITY-WIDE INFORMATION EXCHANGE VIA INDIVIDUAL COMMUNICATIONS TERMINALS

Dear Mr. Richard:

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

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

UNITED STATES PATENT AND TRADEMARK OFFICE

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DYKAS & SHAVER LLP
P.O. BOX 877
BOISE ID 83701-0877

MAILED
NOV 02 2010
OFFICE OF PETITIONS

In re Application of	:	
Daniel Purkis	:	
Application Number: 12/514488	:	NOTICE
Filing or 371(c) Date: 02/10/2010	:	
Attorney Docket No. PETR106NUS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on July 22, 2010.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood
Douglas Wood
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
JAN 25 2011
OFFICE OF PETITIONS

DYKAS & SHAVER LLP
P.O. BOX 877
BOISE ID 83701-0877

In re Application of
Daniel PURKIS
Application No. 12/514,488
Filed: February 10, 2010
Attorney Docket No. PETR106NUS

DECISION ON PETITION
TO EXPUNGE

This is a decision on the petition to expunge a document, filed July 19, 2010, that is being treated under the provisions of 37 CFR 1.59(b).

The petition to expunge is **DISMISSED**.

A review of the Office records of the instant application indicates that a "Preliminary Amendment" was filed in the instant application on July 19, 2010. The petition states that the "Preliminary Amendment" was "meant to be filed in another application". The serial number on the Preliminary Amendment is "12/743397", that is different from that of the instant application. However, the instant petition does not explicitly identify the paper(s) to be expunged. Accordingly, the petition is DISMISSED.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-SE (06-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/514 500	Filing date:	12 May 2009
First Named Inventor:	ANDERSEN, John		
Title of the Invention:	Shelf 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/SE2007/001002

The international filing date of the corresponding PCT application(s) is/are: 13 November 2007

I. List of Required Documents:

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

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

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

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

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

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 PRV AND THE USPTO

(continued)

Application No.:	12/514 500
First Named Inventor:	ANDERSEN, John

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 May 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 12 May 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
15	1	identical, except for placing claims in U.S. format
16	2	identical
17	3	identical
18	4	identical
19	5	identical
20, 21, 22, 23	6	identical, except for multiple dependency
24, 25, 26, 27	7	identical, except for multiple dependency
28	8	identical except for multiple dependency
29	9	identical, except for multiple dependency
30	10	identical, except for multiple dependency
31	11	identical, except for multiple dependency
32	12	identical, except for multiple dependency
33	13	identical, except for multiple dependency
34	14	identical, except for multiple dependency

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

Signature	Date July 12, 2011
Name (Print/Typed) Paul C. Lewis	Registration Number 43368

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,500	01/05/2010	John Andersen	0104-0751PUS1	1344

2292 7590 08/29/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
CHAN, KO HUNG

ART UNIT	PAPER NUMBER
3637	

NOTIFICATION DATE	DELIVERY MODE
08/29/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 2 6 2011

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

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

In re application of Andersen et al. Application No. 12/514,500 Filed: January 05, 2010 For: SHELF 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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 12, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the PRV 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.

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: 8/26/11

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,535	05/12/2009	Jerry Fielding JR.	4889-000014/US/NPB	1614

27572 7590 10/07/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
LEE, CHEE-CHONG

ART UNIT	PAPER NUMBER
3752	

MAIL DATE	DELIVERY MODE
10/07/2011	PAPER

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

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

In re Application of:
FIELDING, JERRY JR. et al
Serial No.: 12/514,535
Filed: May 12, 2009
Attorney Docket No. : 4889-000014/US/NPB
Title: SEAT ASSEMBLY FOR A TOILET

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 9, 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,557	05/12/2009	Marlin Romeo	63916.5	1840

22828 7590 09/13/2011
EDWARD YOO C/O BENNETT JONES LLP
3200 TELUS HOUSE, SOUTH TOWER
10020 - 100 STREET
EDMONTON, ALBERTA, AB T5J 0N3
CANADA

EXAMINER
RINEHART, KENNETH

ART UNIT	PAPER NUMBER
3743	

NOTIFICATION DATE	DELIVERY MODE
09/13/2011	ELECTRONIC

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

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

yoot@bennettjones.com
lucase@bennettjones.com
austint@bennettjones.com

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EDWARD YOO C/O BENNETT JONES LLP
3200 TELUS HOUSE, SOUTH TOWER
10020 - 100 STREET
EDMONTON, ALBERTA AB T5J 0N3 CA CANADA

In re Application of: ROMEO, MARLIN Serial No. 12/514,557 Filed: May 12, 2009 Docket: n/a Title: CYCLONIC INCINERATOR	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed August 8, 2011 to make the above-identified application special.

The request and petition are **dismissed**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; 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 do not comply with the above requirements. The request to participate in the PPH program and petition fail to include Items #1-3 and 5-6. With regard to Item #1, there is no oath/declaration filed to include a valid claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO. With regard to

Item #2, the applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) along. With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the CIPO application. It is noted that nowhere in the petition did the applicant show claim 1 was allowed by the CIPO. Thus, Item #3 is not satisfied and for this reason the petition can not be granted. With regard to Item #5, the applicant failed to provide a copy of CIPO Office action and search report, there is no positive search opinion showing the patentability of claim 1. An Office action and/or search opinion showing the patentability of claim 1 is required. With regard t Item #6, the applicant failed to 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.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,557	05/12/2009	Marlin Romeo	63916.5	1840

22828 7590 09/27/2011
EDWARD YOO C/O BENNETT JONES LLP
3200 TELUS HOUSE, SOUTH TOWER
10020 - 100 STREET
EDMONTON, ALBERTA, AB T5J 0N3
CANADA

EXAMINER
RINEHART, KENNETH

ART UNIT	PAPER NUMBER
3743	

NOTIFICATION DATE	DELIVERY MODE
09/27/2011	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):

yoot@bennettjones.com
lucase@bennettjones.com
austint@bennettjones.com

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3200 TELUS HOUSE, SOUTH TOWER
10020 - 100 STREET
EDMONTON, ALBERTA AB T5J 0N3 CA CANADA

In re Application of	:	
ROMEO, MARLIN	:	DECISION ON REQUEST TO
Application No. 12/514,557	:	PARTICIPATE IN PATENT
Filed: May 12, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 63916.5	:	PROGRAM AND PETITION
For: CYCLONIC INCINERATOR	:	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 21, 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 Kenneth Rinehart, SPE of Art Unit 3743, and 571-272-4481 for Class 110 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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FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of

Jay Busari
Application No. 12/514,572
Filed: June 18, 2009
Attorney Docket No. **33415-0002US1**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 26, 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 Kirk A. Gottlieb on behalf of all attorneys of record who are associated with Customer Number 26181.

All attorneys/agents associated with Customer Number 26181 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 Jay Busari at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Jay Busari
2nd Floor, Building 174
Silom Road, Bang Rak
Bangkok, TH 10500

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PCT LEGAL ADMINISTRATION

LAFKAS LLC
PO Box 43289
CINCINNATI OH 45243-0289

In re Application of:
THORVARDARSON, Jon, et al.
U.S. Application No.: 12/514,574
PCT No.: PCT/CA2007/001991
International Filing Date: 07 November 2007
Priority Date: 13 November 2006
Attorney Docket No.: 090504np
For: SUBMERSIBLE CAGE AND SYSTEM FOR FISH FARMING

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

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 27 August 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 29 June 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), indicating that applicants had failed to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide: (1) an adequate showing that the non-signing inventor refused to execute the application; and (2) acceptable declarations executed by the co-operating inventors on their own behalf and on behalf of the non-signing inventor.

On 27 August 2010, applicants filed the "Renewed Petition Under 37 CFR 1.47(a)" considered herein.

DISCUSSION

With respect to the showing of the non-signing inventor's refusal to sign the application, applicants have provided a statement from co-inventors Andrew STOREY and SEAN MORTON providing firsthand confirmation that the non-signing inventor was provided with a request for signature accompanied by a copy of the application and that the non-signing inventor expressly refused to execute the declaration absent additional compensation.

The present submission, in combination with the materials filed with the original petition, provides an acceptable showing that the non-signing inventor has refused to execute the application. Applicants have therefore satisfied this outstanding element of a grantable petition under 37 CFR 1.47(a).

With respect to the declaration requirement, applicants have included what are identified as "complete copies of the four sets of Declarations signed by the Inventors." The submission includes three six-page declaration documents and one five-page declaration document. The six-page declarations identify all the inventors of record herein, including non-signing inventor Luke AYMAR, and are executed by inventors Edwin ELRICK, Rick GRANT, Thomas MATHIESON, Christopher SAULNIER, and Andrew STOREY. These declarations may be accepted as having been executed by these inventors on their own behalf and on behalf of the non-signing inventor, as required. However, the five-page declaration filed by applicants, executed by inventors Jon THORVARDARSON and Prasad BODHANI appears to be missing a page and therefore does not identify all the inventors of record herein, as required for an acceptable declaration under 37 CFR 1.497.[1]

Applicants must submit a revised declaration executed by inventors Jon THORVARDARSON and Prasad BODHANI that complies with 37 CFR 1.497 and may be accepted as having been executed on their own behalf and on behalf of the non-signing inventor. If the declaration executed by these two inventors included the missing page, and such page was inadvertently omitted in the present filing, than a copy of the complete six-page declaration executed by these two inventors may be submitted. If, in the alternative, the defective five-page declaration document filed with the present petition is the complete declaration executed by these two inventors, then a newly executed, compliant declaration is required from these two inventors.

Until an acceptable declaration from inventors Jon THORVARDARSON and Prasad BODHANI is filed herein, the declaration element of a grantable petition under 37 CFR 1.47(a) remains unsatisfied.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision.

Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to complete the declaration element of a grantable petition, as discussed above, in the previous decision, and in the MPEP. No additional petition fee is required.

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

[1] Specifically, the declaration fails to identify inventors Rick GRANT, Thomas MATHIESIN, and Christopher SAULNIER.

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

/RichardMRoss/

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

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PCT LEGAL ADMINISTRATION

LAFKAS LLC
PO Box 43289
CINCINNATI OH 45243-0289

In re Application of:	:	
THORVARDARSON, Jon, et al.	:	
U.S. Application No.: 12/514,574	:	DECISION ON SECOND
PCT No.: PCT/CA2007/001991	:	RENEWED PETITION
International Filing Date: 07 November 2007	:	(37 CFR 1.47(a))
Priority Date: 13 November 2006	:	
Attorney Docket No.: 090504np	:	
For: SUBMERSIBLE CAGE AND SYSTEM	:	
FOR FISH FARMING	:	

This decision is issued in response to applicants' "Second Renewed Petition Under 37 CFR 1.47(a)" filed 20 December 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 29 June 2010 and 19 October 2010. The 19 October 2010 decision dismissed without prejudice applicants' first renewed petition under 37 CFR 1.47(a), indicating that applicants had failed to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide acceptable declarations executed by two of the cooperating inventors, specifically, Jon THORVARDARSON and Prasad BODHANI.

On 20 December 2010, applicants filed the "Second Renewed Petition Under 37 CFR 1.47(a)" considered herein.

DISCUSSION

The present submission includes complete declarations executed by co-inventors Jon THORVARDARSON and Prasad BODHANI, each of which contain all required information, including the names and citizenship of all the inventors of record and an unsigned signature block for the non-signing inventor who is the subject of the present petition, Luke AYMAR. As noted in the previous decision, applicants have provided acceptable declarations from the other five cooperating inventors. The declarations submitted with the present second renewed petition, in combination with those previously filed herein, can be accepted as having been executed by the seven cooperating inventors on their own behalf and on behalf of non-signing inventor Luke AYMAR. Applicants have therefore now satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of inventor Luke AYMAR.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the last known address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 December 2010.

/RichardMRoss/

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

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FEB 16 2011

PCT LEGAL ADMINISTRATION

Mr. Luke AYMAR
203 Route 780
Utopia, New Brunswick
E5B 2E2
CANADA

In re Application of: THORVARDARSON, Jon, et al.
U.S. Application No.: 12/514,574
PCT No.: PCT/CA2007/001991
International Filing Date: 07 November 2007
Priority Date: 13 November 2006
Attorney Docket No.: 090504np
For: SUBMERSIBLE CAGE AND SYSTEM FOR FISH FARMING

Dear Mr. AYMAR:

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

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

/RichardMRoss/

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

Counsel Of Record:
David M. Lafkas
LAFKAS LLC
PO Box 43289
CINCINNATI OH 45243-0289

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United States Patent and Trademark Office
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POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

MAILED

NOV 08 2010

PCT LEGAL ADMINISTRATION

In re Application of :
SAILHAN et al. :
U.S. Application No. 12/514,582 :
PCT No.: PCT/EP2006/068448 :
Int. Filing Date: 14 November 2006 :
Priority Date: N/A : DECISION ON PETITION
Attorney Docket No.: 0110-378 :
For: A SYSTEM AND A METHOD RELATING TO NETWORK MANAGEMENT :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 15 June 2010 to accept the application without the signature of joint-inventor, Samir Ghamri Doudane.

BACKGROUND

On 14 November 2006, applicants filed international application PCT/EP2006/068448. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the international filing date, 14 May 2009.

On 12 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the basic national fee, a preliminary amendment, and a copy of the international application.

On 15 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b). The notification set a two-month time limit in which to respond.

On 15 June 2010, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Applicants have satisfied Item (1) and (3).

Regarding item (2) above, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), states in relevant part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts.

It appears that petitioner is asserting that Samir Ghamri Doudane cannot be found or reached after diligent effort. Sian Jones, patent paralegal of Ericsson Limited, states that a copy of the application papers were sent (via DHL and electronic mail) to Samir Ghamri Doudane on April 26, 2010. The DHL package was returned to sender as undeliverable. However, petitioner fails to include evidence of any other attempts made locate the nonsigning inventor. The mailing of the papers to the nonsigning inventor's last known address (and email address) does not constitute a "diligent" effort to locate the inventor. Applicant must show that alternative means were employed, such as a search of

telephone and/or Internet directories, in an attempt to locate Samir Ghamri Doudane. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

As to item (4), an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor has been included with the present petition. However, the declaration is not acceptable under 37 CFR 1.497. Specifically, the declaration is executed by Yangcheng Huang, whereas the international application lists the inventor as Yang Chang Huang. As stated MPEP 201.03,

> "a request under 37 CFR 1.48 will not be required: (B) Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required."

Applicants are required to provide an explanation of the typographical or transliteration error in the name of the fifth inventor. Item (4) has not been satisfied.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Potomac Patent Group PLLC
P. O. Box 270
Fredericksburg VA 22404

MAILED
APR 21 2011
PCT LEGAL ADMINISTRATION

In re Application of
SAILHAN et al.
U.S. Application No. 12/514,582
PCT No.: PCT/EP2006/068448
Int. Filing Date: 14 November 2006
Priority Date: None
Attorney Docket No.: 0110-378
For: A SYSTEM AND A METHOD RELATING TO NETWORK MANAGEMENT

DECISION ON PETITION

This decision is issued in response to applicants' "(Renewed) Petition under 37 CFR 1.47(a)" filed 08 March 2011. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in detail in the decisions mailed herein on 08 November 2010. In the decision dated 08 November 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Samir Ghamri Doudane, was dismissed without prejudice.

On 08 March 2011, applicants filed the materials considered herein as a renewed petition.

DISCUSSION

A. Renewed Petition under 37 CFR 1.47(a)

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 08 March 2011 with the present communication was executed by the named inventor, the previous non-signing inventor, Samir Ghamri Doudane. The declaration filed 08 March 2011 is acceptable under 37 CFR 1.497.

B. Name Correction

Petitioner states in the present petition that the correct name of the fifth inventor is Yangcheng Huang as indicated on the declaration rather than Yang Cheng Huang as indicated on the published international application.

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicants' explanation of the difference in the fifth inventor's name is accepted and noted for the record.

Therefore, the declaration filed on 08 March2010 is in compliance with 37 CFR 1.497. A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

CONCLUSION

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

The declaration filed on 08 March 2011 is in compliance with 37 CFR 1.497.

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

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12514583
Filing Date	12-May-2009
First Named Inventor	Choong Kim
Art Unit	3725
Examiner Name	JIMMY NGUYEN
Attorney Docket Number	726.0006
Title	PRODUCTION METHOD OF MULTI-GAUGE STRIPS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25534

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	Choong-Yeol Kim
Address	35/1, 36-12, Sangdo-dong
City	Dongjak-gu, Seoul
State	
Postal Code	156-831
Country	KR

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/George A. Metzenthin/
Name	George A. Metzenthin
Registration Number	41995

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 7,2011

In re Application of :

Choong Kim

Application No : 12514583

Filed : 12-May-2009

Attorney Docket No : 726.0006

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 7,2011

The request is **APPROVED.**

The request was signed by George A. Metzenthin (registration no. 41995) on behalf of all attorneys/agents associated with Customer Number 25534 . All attorneys/agents associated with Cusotmer Number 25534 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	Choong-Yeol Kim
Name2	
Address 1	35/1, 36-12, Sangdo-dong
Address 2	
City	Dongjak-gu, Seoul
State	
Postal Code	156-831
Country	KR

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

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

Office of Petitions

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Renner Otto Boisselle & Sklar, LLP
1621 Euclid Avenue
Nineteenth Floor
Cleveland OH 44115

MAILED
MAR 18 2011
PCT LEGAL ADMINISTRATION

In re Application of :
BENNETT et al. :
Application No.: 12/514,652 :
PCT No.: PCT/GB2007/004325 :
Int. Filing: 13 November 2007 : DECISION ON PETITION
Priority Date: 13 November 2006 :
Attorney Docket No.: FRYHP0170US :
For: WORKPIECE CARRIER AND WORKPIECE CARRIER LOADING/UNLOADING SYSTEM AND METHOD :

This decision is issued in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and "Petition under 37 CFR 1.47(a)" filed 06 January 2011 in the above-captioned application. The requisite petition fee(s) for the filing of a petition under 37 CFR 1.137(b) and 37 CFR 1.47(a) have been submitted. The above captioned national stage application became abandoned for failure to submit an oath or declaration within the time period set forth in the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 03 December 2009.

BACKGROUND

On 13 November 2007, applicants filed international application PCT/GB2007/004325, which claimed a priority date of 13 November 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 May 2008. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the international filing date, 13 May 2008.

On 13 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application.

On 03 December 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905)

indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 05 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 03 December 2009 within the time period set therein.

On 06 January 2011, applicants filed a "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and a "Petition under 37 CFR 1.47(a)."

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

In order to comply with the proper response requirement of item (1) above for revival under 37 CFR 1.137(b), applicants submitted the present Petition Under 37 CFR 1.47(a). Under the present circumstances, in order for the response requirement, item (1) above, to be satisfied, the petition to accept the application without the signature of Tony DU must be grantable.

A petition under 37 CFR 1.47(a) must be accompanied by (i) the fee under 37 CFR 1.17(h), (ii) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (iii) a statement of the last known address of the missing inventor, and (iv) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (i), (iii) and (iv) have been satisfied.

Regarding item (ii) above, petitioner states that Tony DU has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and

> oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner states that Tony DU has refused to sign the application. A review of the present petition and the accompanying papers reveals that applicants have not satisfied item (ii) above, in that, the applicants have not shown that a bona fide attempt was made to present the application papers to Tony DU. The statement of Keith Boden states that a copy of the application papers were sent to Tony DU on January 28, 2010, April 05, 2010, and December 14, 2010. A copy of the letters have been provided. However, petitioner fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

For the above reasons, it would not be appropriate to accept this application without the signature of Tony DU at this time and the application remains abandoned.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains **ABANDONED**.

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a) and 37 CFR 1.137(b)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the

Application No.: 12/514,652

PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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AUG 05 2011

PCT LEGAL ADMINISTRATION

Renner Otto Boisselle & Sklar, LLP
1621 Euclid Avenue
Nineteenth Floor
Cleveland OH 44115

In re Application of:
BENNETT et al.
Application No.: 12/514,652
PCT No.: PCT/GB2007/004325
Int. Filing: 13 November 2007
Priority Date: 13 November 2006
Attorney Docket No.: FRYHP0170US
For: WORKPIECE CARRIER AND WORKPIECE CARRIER LOADING/UNLOADING SYSTEM AND METHOD

DECISION ON PETITION

This decision is in response to applicants' "Renewed Petition under 1.47(a)" filed 10 June 2011 which is being treated as a renewed petition under 37 CFR 1.47(a) and 37 CFR 1.137(b).

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 10 June 2011 with the present renewed petition was executed by the named inventor, the previous nonsigning inventor, Tony DU. The declaration filed 10 June 2011 is acceptable under 37 CFR 1.497. For the reasons above, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

As to the petition under 37 CFR 1.137(b), applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted an executed declaration and power of attorney and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. The application has an international filing date of 13 November 2007 under 35 U.S.C. 363 and a date of 10 June 2011 under 35 U.S.C. 371(c).

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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OSTROLENK FABER LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Gunter Mittermayr	:	
Application No.: 12/514,663	:	ON PETITION
Filed: May 13, 2009	:	
Attorney Docket No.: P/5070-29 (V 12077)	:	

This is a decision on the petition, filed September 12, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3725 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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PCT LEGAL ADMINISTRATION

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of	:	
WEIR et al.	:	
Application No.: 12/514,753	:	DECISION under
PCT No.: PCT/US07/23760	:	
Int. Filing Date: 13 July 2007	:	37 CFR 1.182
Priority Date: 10 November 2006	:	
Attorney Docket No.: 14113-00121-US	:	
For: ENCAPSULATED PANCREATIC ISLET:		
CELLS PRODUCTS AND METHODS OF	:	
USE THEREOF		

This is a decision applicant's "PETITION UNDER 37 CFR 1.182" to correct inventor's name filed on 01 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 December 2009, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 22 July 2010 Applicant responded to the Notification with a declaration executed by the inventors and the $130 surcharge.

On 06 August 2010, a Notification of Defective Response was mailed to applicant indicating that the declaration was not in compliance with 37 CFR 1.497 in that the fourth inventor's name is different than the one identified on the published international application.

DISCUSSION

To correct the inventor's name, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c). A review of the application file reveals that the given name of the applicant as listed on the published international application is "AMY LEWIS". The declaration, filed on 22 July 2010, was signed by "AMY JOHNSON". Applicant now submits a petition under 37 CFR 1.182 including a statement by the inventor AMY LEWIS indicating that her name changed due to her marriage. Applicant authorized the payment of the requisite $400 petition fee from the deposit account. The petition under 37 CFR 1.182 to change the respective inventor's name to AMY

JOHNSON is granted. The declaration, submitted on 22 July 2010, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to AMY JOHNSON is **GRANTED**. The declaration, submitted on 22 July 2010, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 22 July 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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Commissioner for Patents
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Alexandria, VA 22313-1450
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77345
DR. D. Graeser Ltd.
9003 Florin Way
Upper Marlboro, MD 20722

MAILED

NOV 04 2010

PCT LEGAL ADMINISTRATION

In re Application of
PAZ *et al*
U.S. Application No.: 12/514,835
PCT No.: PCT/IL2007/001375
Int. Filing Date: 08 November 2007
Priority Date: 14 November 2006
Docket No.: 1775
For: A DIAGNOSTIC METHOD AND APPARATUS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 09 August 2010 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee was provided with the subject petition. This is an appropriate reply to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) mailed 29 December 2009.

The petition fee for a small entity has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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FEB 15 2011

PCT LEGAL ADMINISTRATION

King & Spalding LLP
401 Congress Avenue
Suite 3200
Austin TX 78701

In re Application of	:	DECISION ON
DIER	:	
Application No.: 12/514,839	:	PETITION UNDER
PCT No.: PCT/IB2007/003458	:	
Int. Filing Date: 13 November 2007	:	37 CFR § 1.47(b)
Priority Date: 14 November 2006	:	
Attorney Docket No.: 74104.220719	:	
For: WATER FILTRATION AND	:	
STERILISATION DEVICE	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 08 October 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 13 November 2007, applicant filed international application PCT/IB2007/003458, which designated the US and claimed a priority date of 14 November 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2009.

On 14 May 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 January 2010, applicant submitted a petition under 37 CFR 1.47(b). The petition

was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and copies of several e-mails.

On 08 March 2010, a decision was issued dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that the following three requirements had not been met: (i) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (ii) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, and (iii) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 08 October 2010, applicant filed the instant renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time and a statement of facts by Eric M. Grabski and Tricia McDermott Thompkins with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision issued 08 March 2010, items (1), (3), and (6) have been met.

Item (2) has now been met. It has been established that non-signing inventor Christopher Dier has been presented with a copy of the application papers. Mr. Dier's conduct constitutes a refusal to sign.

Item (4) has not been met. An oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor has not been provided.

Item (5) has not been met. The first page of the statement of facts filed 08 October 2010 indicates that the present invention was made by Mr. Dier while he was employed with Salton HK, which no longer exists as a business entity, but that the terms of Mr. Dier's employment with Salton HK are not known. Nevertheless, a sufficient proprietary interest must still be established. Attention is again directed to MPEP § 409.03 for establishing sufficient proprietary interest. MPEP § 409.03 states in part:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.
>
> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

None of the three items mentioned (an assignment (to Salton HK), an agreement to assign (to Salton HK), or a legal memorandum) have been provided.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

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

Any further correspondence with respect to this matter may be filed electronically via

EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NOV 30 2011
PCT LEGAL ADMINISTRATION

King & Spalding LLP
401 Congress Avenue
Suite 3200
Austin TX 78701

In re Application of	:	DECISION ON
DIER	:	
Application No.: 12/514,839	:	PETITION UNDER
PCT No.: PCT/IB2007/003458	:	
Int. Filing Date: 13 November 2007	:	37 CFR § 1.47(b)
Priority Date: 14 November 2006	:	
Attorney Docket No.: 74104.220719	:	
For: WATER FILTRATION AND	:	
STERILISATION DEVICE	:	

This is a decision on applicant's petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 08 June 2011. The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 13 November 2007, applicant filed international application PCT/IB2007/003458, which designated the US and claimed a priority date of 14 November 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2009.

On 14 May 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 January 2010, applicant submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and copies of several e-mails.

On 08 March 2010, a decision was issued dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that the following three requirements

had not been met: (i) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (ii) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, and (iii) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 08 October 2010, applicant filed a renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time and a statement of facts by Eric M. Grabski and Tricia McDermott Thompkins with documentation in support thereof.

On 15 February 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(b).

On 08 June 2011, applicants filed the instant submission which includes declaration of the inventor signed by the previously non-signing inventor Christopher DIER.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by the inventor, the petition for status under 37 CFR 1.47(b) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declaration of the inventor filed 08 June 2011is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **08 June 2011**.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

MAILED
JAN 21 2011
OFFICE OF PETITIONS

Applicant: Coates, et al.
Appl. No.: 12/514,884
International Filing Date: November 27, 2007
Title: BIOELECTRICAL TREATMENT OF XENOBIOTICS
Attorney Docket No.: LBNLP048
Pub. No.: US 2010/0108522 A1
Pub. Date: May 6, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 25, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein one of the name "J Cameron Thrash" was misprinted as "Cameron J. Thrash".

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

The error noted by requestor wherein on the front page of the publication one of the inventors name "J. Cameron Thrash" was misprinted as "Cameron J. Thrash" is <u>not</u> a material Office mistake. The spelling of an inventor's name is not a material error under 37 CFR 1.221(b). An error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

It is noted that the Declarations submitted on December 18, 2009, lists the name as "J. Cameron Thrash" and "Cameron J. Thrash".

On January 28, 2010 a Filing Receipt was mailed by the Office, which improperly listed the second inventor's name. To avoid this type of problem in the future, applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to submit the eADS as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

MAILED
FEB 17 2012
PCT LEGAL ADMINISTRATION

In re Application of ALLUM et al	:	
U.S. Application No.: 12/514,938	:	
PCT Application No.: PCT/EP2006/011080	:	
Int. Filing Date: 17 November 2006	:	
Priority Date Claimed: none	:	DECISION
Attorney Docket No.: MHP/60.555	:	
For: SYSTEM AND METHOD FOR PROVIDING BODY SWAY FEEDBACK TO A BODY OF A SUBJECT	:	

This is in response to applicant's correspondence filed 20 September 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 17 November 2006, applicant filed international application PCT/EP2006/011080. A copy of the international application was communicated to the USPTO from the International Bureau on 22 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 18 May 2009.

On 14 May 2009, applicant filed application papers via the EFS-Web electronic filing system of the USPTO. The EFS-Web submission identified the application type as a U.S. national stage filing under 35 U.S.C. 371 as did the accompanying application data sheet. However, the first paragraph of the specification stated that the application is a continuation in part of international application PCT/EP2006/011080.

On 30 July 2010, this Office mailed a communication which identified the above-mentioned discrepancy and stated that the application will be treated as a filing under 35 U.S.C. 111(a). The communication further stated that the application did not currently include a proper benefit claim to the international application and that a petition under 37 CFR 1.78 would be necessary to include such a claim.

On 20 September 2010, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

In the present case, a proper benefit claim under 35 U.S.C. 120 to the international application was present in the first line of the specification on filing. Although such proper claim was subsequently rendered improper by the amendment filed 21 May 2010, a proper claim nevertheless appeared on the initial filing receipt and on the published application. Therefore, a petition under 37 CFR 1.78 will not be required to correct the claim in accordance with the amendment filed concurrently with the instant petition.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to Technology Center AU 3736 for continued processing.

BLanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

ATTACHMENT: corrected filing receipt

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P.O. Box 1450
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www.uspto.gov

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

MAILED
JAN 21 2011
OFFICE OF PETITIONS

Applicant: Mizutani, et al.
Appl. No.: 12/514,945
International Filing Date: April 10, 2008
Title: CONNECTOR
Attorney Docket No.: Q113434
Pub. No.: US 2010/0075535 A1
Pub. Date: March 25, 2010

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

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the assignee's name is incorrect as it omitted Sumitomo Wiring Systems, LTD..

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

The error on the front page of the published patent application wherein the assignee's name "SUMITOMO WIRING SYSTEMS, LTD." was omitted is not a material Office error under 37 CFR 1.221(b). The omission of one of the assignee's name does not affect the understanding of the application. The error in assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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).

See MPEP 1130. Applicant should not file requests for corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

On December 15, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed only one of the assignee's name. To avoid this type of problem in the future, applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

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

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

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

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

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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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,981	11/16/2009	Masayoshi Muraki	NAII133286	5304

7590 12/29/2011
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
LEWIS, TISHA D

ART UNIT	PAPER NUMBER
3655	

NOTIFICATION DATE	DELIVERY MODE
12/29/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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0 4 AUG 2010

Baker Botts L.L.P.
30 Rockefeller Plaza
44th Floor
New York NY 10112-4498

In re Application of	:	
ALFONSO et al.	:	
Application No.: 12/515,002	:	DECISION ON PETITION
PCT No.: PCT/US2007/086114	:	UNDER 37 CFR 1.47(a)
Int. Filing: 30 November 2007	:	
Priority Date: 30 November 2006	:	
Attorney Docket No.: 070457.2595	:	
For: TECHNIQUES FOR TARGETED OFFERS	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(b)" filed 06 July 2010, treated herein as a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Brian Prascak and Ruven Cohen.

BACKGROUND

On 30 November 2006, applicants filed international application PCT/US2007/086114 which claimed no priority date. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the international filing date, 30 May 2009.

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

On 04 December 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 06 July 2010, applicants filed the present petition under 37 CFR 1.47. The petition under 37 CFR 1.47 seeks acceptance of the application without the signature of joint-inventors, Brian Prascak and Ruven Cohen.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

Regarding item (2) above, petitioner states that Brian Prascak and Ruven Cohen have refused to execute the application or cannot be reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

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

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventors, Brian Prascak and Ruven Cohen. The single mailing of the application papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Further, Donna Saltarello states that, "I performed a search of internal records, as well as on Google . . . and was not able to obtain the required contact information," however, no documentary evidence to support the internet searches was provided in the petition.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor(s). A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in

any subsequent submission herein.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Brian Prascak and Ruven Cohen under 37 CFR 1.47(a) at this time.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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Baker Botts L.L.P.
30 Rockefeller Plaza
44th Floor
New York NY 10112-4498

MAILED
OCT 29 2010
PCT LEGAL ADMINISTRATION

In re Application of: ALFONSO et al.
Application No.: 12/515,002
PCT No.: PCT/US2007/086114
Int. Filing: 30 November 2007
Priority Date: 30 November 2006
Attorney Docket No.: 070457.2595
For: TECHNIQUES FOR TARGETED OFFERS

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition to Revive Unintentionally Abandoned Application" filed 13 September 2010, treated herein as a Renewed Petition under 37 CFR 1.47(a). The petition fee submitted with the present petition has been refunded to Deposit Account no. 02-4377.

BACKGROUND

On 30 November 2007, applicants filed international application PCT/US2007/086114 which claimed a priority date of 30 November 2006. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 30 May 2009.

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

On 04 December 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 06 July 2010, applicants filed a petition under 37 CFR 1.47. In a decision dated 04 August 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Brian Prascak and Ruven Cohen, was dismissed without prejudice.

On 13 September 2010, applicants filed the present renewed petition under 37 CFR 1.47(a) which included a declaration executed by the named inventor (the previous non-signing inventors) Ruven Cohen.

DISCUSSION

Inventor Ruven Cohen

As stated above, the renewed petition filed 13 September 2010 included a declaration executed by Ruven Cohen, the previously non-signing inventor. Accordingly, the renewed petition under 37 CFR 1.47(a) was appropriately dismissed as moot.

Inventor Brian Prascak

Petitioner states in the present petition that "applicants received the appropriately signed documents from Brian Prascak and enclose the documents with the remaining documentation with petition and response." However, the declaration executed by Brian Prascak has not been included with the present petition.[1] For the reasons stated above, it would not be appropriate to accept the application without the signature of Brian Prascak under 37 CFR 1.47(a) at this time.

Because the failure to file the proper response appears to have been the result of an inadvertent omission (37 CFR 1.135(a), applicants will be accorded a new time period to correct the deficiencies in the response.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

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[1]Further, the present petition fails to include evidence that Brian Prascak has refused to execute the application, as required by the Decision on Petition under 37 CFR 1.47(a) mailed 04 August 2010.

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MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

Baker Botts L.L.P.
30 Rockefeller Plaza
44th Floor
New York NY 10112-4498

In re Application of	:	
ALFONSO et al.	:	
Application No.: 12/515,002	:	DECISION ON PETITION
PCT No.: PCT/US2007/086114	:	UNDER 37 CFR 1.47(a)
Int. Filing: 30 November 2007	:	
Priority Date: 30 November 2006	:	
Attorney Docket No.: 070457.2595	:	
For: TECHNIQUES FOR TARGETED OFFERS	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 03 December 2010. In a decision dated 29 October 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Brian Prascak and Ruven Cohen, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 03 December 2010 with the present petition was executed by the named inventor, the previous non-signing inventor, Brian Prascak and Ruven Cohen. The declaration filed 03 December 2010 is acceptable under 37 CFR 1.497.

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

The application has an international filing date of 30 November 2006 under 35 U.S.C. 363 and a date of 03 December 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

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

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

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P.O BOX 1450
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Monte L. Falcoff
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Hubert RAMY	:	
Application No.: 12/515,081	:	
PCT No.: PCT/FR2007/001881	:	
Int. Filing Date: 15 November 2007	:	PETITION UNDER
Priority Date: 17 November 2006	:	
Attorney's Docket No.: 4384-00119/US/NP	:	
For: SALT SUBSTITUTE AND ...	:	37 CFR 1.47(b)
COMPRISING IT	:	

This decision is in response to applicant's " RENEWED PETITION UNDER 37 CFR 1.47(b)... OF TIME" filed on 24 November 2010 that seeks the acceptance of the application without the signature of sole inventor Hubert Ramy.

BACKGROUND

In a decision from this Office on 25 May 2010, the petition filed on 30 March 2010 was dismissed because 37 CFR 1.47(b) applicant did not satisfy items (2) and (5) under 37 CFR 1.47(b).

On 24 November 2010, applicant filed a renewed petition which includes, inter alia, documentary evidence to support applicant's assertion that the application papers were sent to the non-signing inventor and a legal memorandum submitted by Francine Le Pechon-Joubert and Eric Enderlin.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has now satisfied requirements (2) and (5) of 37 CFR 1.47(b), thus completing the requirements under 37 CFR 1.47(b).

Regarding requirement (2), petitioner has provided a declaration of Vaneesa Kosina sho has first hand knowledge of sending the application papers to Mr. Ramy on September 11, 2009 and received by the copies as evidenced of the postal receipt showing that the package enclosing the application papers were received by him on 15 September 2009.

Regarding item (5) applicant has submitted proof that applicant has sufficient proprietary interest in the application because the legal memorandum prepared by Francine Le Pechon-Joubert and Eric Enderlin as Mr. Rammy had signed "Invention Communication Agreement" and as a result under French law R. Sante is the owner of the invention.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application.

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

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Mr. Hubert Ramy
13 Chemin de la Convalescence
PK 10 Saint Francois
97400 Saint Denis de la Reunion
FRANCE

MAILED
JAN 12 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Hubert RAMY	:	
Application No.: 12/515,081	:	
PCT No.: PCT/FR2007/001881	:	
Int. Filing Date: 15 November 2007	:	PETITION UNDER
Priority Date: 17 November 2006	:	
Attorney's Docket No.: 4384-00119/US/NP	:	
For: SALT SUBSTITUTE AND ...	:	37 CFR 1.47(b)
COMPRISING IT	:	

Dear Mr. RAMY:

Your husband is named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, he will be designated as an inventor.

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

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

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

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Joseph J. Crimaldi
Roetzel & Andress
222 S. Main St
Akron, OH 44308

MAILED
MAR 02 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
YUN et al	:	
Application No.: 12/515,111	:	
PCT No.: PCT/US2007/024075	:	
Int. Filing Date: 16 November 2007	:	PAPERS FILED
Priority Date: 16 November 2006	:	
Attorney's Docket No.: 089498.0619	:	
For: MATERIALS AND METHODS...	:	
INTO LIVING CELLS	:	UNDER 37 CFR 1.42

This is a decision on the "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 09 December 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 15 May 2009, applicants filed via EFS-WEB entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 17 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of mailing of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the Notification mailed on 17 December 2009, applicants filed on 17 June 2010 an executed declaration.

On 09 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it... Inventor Stephanie Lopina information missing."

On 09 December 2010, submitted a newly set of executed declarations.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because joint inventor LOPINA, Stephanie is deceased, Thomas Andrew Meadowcroft and has been appointed as the Executor of Lopina Estate (legal representative) for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventor's citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance the declaration does not provide the necessary information for the executor of the Lopina estates as the citizenship of Mr. Meadowcroft has not been included in the declaration. Thus, the citizenship of the legal representative needs to be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

Joseph J. Crimaldi
Roetzel & Andress
222 S. Main St
Akron, OH 44308

In re Application of	:	DECISION ON RENEWED
YUN et al	:	
Application No.: 12/515,111	:	
PCT No.: PCT/US2007/024075	:	
Int. Filing Date: 16 November 2007	:	PAPERS FILED
Priority Date: 16 November 2006	:	
Attorney's Docket No.: 089498.0619	:	
For: MATERIALS AND METHODS...	:	
INTO LIVING CELLS	:	UNDER 37 CFR 1.42

This is a decision on the "Renewed Submission Under 37 CFR 1.42" filed 29 March 2011.

BACKGROUND

In a decision from this Office on 02 March 2011, the request filed on 09 December 2010 was dismissed. The decision stated that declaration was improperly executed.

On 29 March 2011, applicants filed the present renewed submission under 37 CFR § 1.42 accompanied with a properly executed declaration.

DISCUSSION

The renewed petition includes a new executed declaration, which sets forth that Mr. Thomas Andrew Meadowcroth is the legal representative (Executor) of the deceased co-inventor, Stephanie LOPINA and it also sets forth her citizenships and residences. The executed declaration now has the citizenship, residence and mailing address information for both the legal representative and the deceased co-inventor.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **29 March 2011**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Masafumi Ide	:	
Application No. 12/515,186	:	DECISION GRANTING PETITION
Filed: May 15, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 090560	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 27, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 2874 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-26-12

TO SPE OF : ART UNIT : 2174

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/515248 Patent No.: 8024663

CofC mailroom date: 3-14-12

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

FOR IFW FILES: Should cofc be approved

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: All changes approved.

/Weilun Lo/ — **SPE**

2179 — **Art Unit**

- 7 SEP 2010

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

In re Application of:	:	
MCKAY, Larry, et al.	:	DECISION REGARDING
U.S. Application No.: 12/515,254	:	SUBMISSION UNDER
PCT No.: PCT/AU2007/001753	:	37 CFR 1.42
Int. Filing Date: 15 November 2007	:	
Priority Date: 15 November 2006	:	
Attorney's Docket No.: 0641-0318PUS1	:	
For: TOPICAL FORMULATION AND	:	
USES THEREOF	:	

This decision is issued in response to applicants' submission on 20 July 2009 of a declaration executed on behalf of deceased inventor Larry MCKAY by the deceased inventor's legal representative Kay MCKAY, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 17 November 2007, applicants filed international application PCT/AU2007/001753. The international application claimed a priority date of 15 November 2006, and it designated the United States. On 22 May 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 15 May 2009.

On 15 May 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 20 July 2010, applicants filed declarations executed by the surviving inventors and on behalf of deceased inventor Larry MCKAY by the deceased inventor's legal representative Kay MCKAY. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 20 July 2009 includes the required citizenship, residence, and mailing address for Kay McKay, the person signing the declaration on behalf of deceased co-inventor Larry McKay, and it expressly identifies this person as the representative of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Larry MCKAY is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 July 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Tarolli, Sundheim, Covell & Tummino, LLP
1300 East Ninth Street
Suite 1700
Cleveland, OH 44114

MAILED
JAN 05 2012
PCT LEGAL ADMINISTRATION

In re Application of :
BERDIS et al. :
U.S. Application No.: 12/515,382 :
PCT No.: PCT/US2007/084953 : DECISION
International Filing Date: 16 November 2007 :
Priority Date: 16 November 2006 :
Attorney's Docket No.: CWR-8123US PCT :
For: SELECTIVE INHIBITORS OF TRANSLESION :
DNA REPLICATION :

This decision is issued in response to applicants' "Petition under 37 CFR 1.53" filed 29 September 2011, which has been treated as a petition under 37 CFR 1.181. Applicants request a corrected filing receipt indicating 18 May 2009 as the filing date (or 35 U.S.C. 371(c) date) for the present application.

BACKGROUND

On 18 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; a preliminary amendment and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv).[1]

On 08 December 2009, the United Stated Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 December 2009, applicants filed a response to the Notification Of Missing Requirements. The submission was not accompanied by a new oath or declaration.

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[1]Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicants filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by Anthony J. Berdis and Irene Lee; however, the declaration did not specifically identify the international application to which it was directed, that is, PCT/US2007/084953. Because the declaration does not include this PCT application number, the declaration is defective for failure to properly identify the specification to which it was directed.

Instead, applicants submitted a copy of the previously executed Declaration identifying the application by the International number.

On 27 January 2010, DO/EO/US mailed a Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) identifying 16 December 2009 as the date of receipt of the 35 U.S.C. 371 requirements. Subsequently, a filing receipt was mailed to applicants. This filing receipt identified the "filing date" as 16 December 2009.

On 29 September 2011, applicants filed "Petition under 37 CFR 1.53."

DISCUSSION

Applicants request a corrected filing date (or 371(c) date) from 16 December 2009 to 18 May 2009. The actual filing date of the present application is the international filing date, i.e., 16 November 2007. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

A review of the application file and other Patent and Trademark Office records reveals that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the DO/EO on 27 January 2010. Specifically, the declarations filed on 18 May 2009 and 16 December 2009 are defective pursuant to 37 CFR 1.497(a)(2) and 37 CFR 1.63(b)(1), in that, the declaration does not identify the specification to which it is directed.

The instructions to the Rule 4.17(iv) declaration state: "[w]here the declaration was not included in the request, but is furnished later, the PCT application number MUST be indicated within the text of Box No. VIII (iv)." Consistent with this instruction, the text of the Rule 4.17(iv) declaration includes a line that expressly requires entry of the PCT international application number "if furnishing the declaration pursuant to Rule 26ter."

Here, the executed Rule 4.17(iv) declaration was not filed with the original international application materials. Accordingly, the declaration was required to include the PCT application number for the application to which it was directed, that is, PCT/US2007/084953. Because the declaration does not include this PCT application number, the declaration is defective for failure to properly identify the specification to which it was directed

Additionally, the 16 December 2009 communication was not a proper reply to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 08 December 2009. The 16 December 2009 declaration is not in compliance with 37 CFR 1.497(a)-(b), in that, alterations were made to the declaration after it was executed. Specifically, the declaration submitted with the response included information (PCT international application number) that was not contained on the original declaration and

these alterations have been made after the declaration had been executed by the joint-inventors. (See 37 CFR 1.52(c) and Manual of Patent Examining Procedure § 605.04(a).)

Based on the above, applicants have failed to file an oath/declaration required in the Notification Of Missing Requirements mailed 08 December 2009.

CONCLUSION

For the reasons above, applicants' request under 37 CFR 1.181 to change the filing date on the filing receipt is DISMISSED without prejudice.

The Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 27 January 2010 is hereby VACATED.

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.

This application is being forwarded to the United Stated Designated/Elected Office for further processing in accordance with this decision, including the mailing of a Notification of a Defective Response (Form PCT/DO/EO/916) requiring a declaration in compliance with 37 CFR 1.497. It is noted that upon mailing, a proper response must be filed within **ONE MONTH** from the mail date of the Notification of a Defective Response (Form PCT/DO/EO/916). No extensions of time will be allowed under 37 CFR 1.136(a).

Any questions regarding this matter may be directed to the undersigned.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

NOV 10 2010

PCT LEGAL ADMINISTRATION

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD, IL01/3RD
SCHAUMBURG IL 60196

In re Application of	:	
CARPIO, et al.	:	DECISION ON PETITION
Serial No.: 12/515,477	:	
PCT No.: PCT/US2007/082806	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 29 October 2007	:	
Priority Date: 22 November 2006	:	AND 37 CFR 1.42
Atty Docket No.: CM09463EB	:	
For: MOBILE STATION, WIRELESS	:	
COMMUNICATION SYSTEM AND	:	
METHOD OF OPERATION	:	

This decision is issued in response to applicants' "RENEWED PETITION UNDER 37 C.F.R. § 1.47 (a)" filed 08 September 2010. In a decision dated 09 July 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Klaus Pai, was dismissed without prejudice.

The renewed petition under 37 CFR 1.47(a) is moot since the declaration which accompanies the petition has been executed by the previous non-signing inventor. Further, the declaration identifies the deceased inventor (Christopher W. Wright), states the deceased inventor's country of citizenship and residence, is signed by Georgina Beth Redkan as the legal representative to the estate of Mr. Wright, provides her country of citizenship and residency and lists all of the joint inventors on the application. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT. The request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 29 October 2007 under 35 U.S.C. 363 and a date of **08 September 2010** under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

MAILED

DEC 07 2010

PCT LEGAL ADMINISTRATION

In re Application of :
ARNE, et al. :
U.S. Application No.: 12/515,527 :
PCT No.: PCT/US2007/024225 (as corrected) :
Int. Filing Date: 19 November 2007 :
Priority Date: 20 November 2006 :
Attorney Docket No.: PRTS-070 (PRO-94) :
For: ACTIVE SIGNAL PROCESSING :
PERSONAL HEALTH SIGNAL :
RECEIVERS :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's petition under 37 CFR 1.182 to excuse applicant's error upon filing filed 24 September 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 19 May 2009, applicant electronically filed the above-captioned U.S. national stage entry. Applicant identified the international application number as PCT/US2008/024225. The filed PTO-1390 transmittal letter and other documents identified the underlying international application as PCT/US2007/024225.

On 24 September 2010, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/US2007/024225. An examination of the originally filed papers finds that the correct international application number was listed on filed PTO-1390 transmittal letter and the Application Data Sheet filed 19 May 2009. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 19 May 2009 and to permit such materials to be treated as having been directed to international application PCT/US2007/024225.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/US2007/024225.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/515,586	05/20/2009	Zsuzsanna Bösze	136037.00003	1032

26735 7590 11/18/2010
QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O BOX 2113
MADISON, WI 53701-2113

EXAMINER
HAMA, JOANNE

ART UNIT	PAPER NUMBER
1632	

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):

pat-dept@quarles.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

NOV 1 8 2010

QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O BOX 2113
MADISON WI 53701-2113

In re Application of BöSZE, ZSUZSANNA et al. Application No. 12/515,586 Filed: May 20, 2009 Attorney Docket No. 136037.00003	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND ETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 31, 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 EPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request; and
(5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition fails to comply with the requirement because:

The examination of the application has begun.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS**

PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/515,590	05/20/2009	Johannes Donkers	00 6908 US1	1048

65913 7590 02/06/2012
Intellectual Property and Licensing
NXP B.V.
411 East Plumeria Drive, MS41
SAN JOSE, CA 95134

EXAMINER
LEE, JAE

ART UNIT	PAPER NUMBER
2895	

NOTIFICATION DATE	DELIVERY MODE
02/06/2012	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):

ip.department.us@nxp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 20120131

Robert J. Crawford
Intellectual Property & Licensing
NXP Semiconductors
411 East Plumeria Drive
San Jose, CA 95134

Applicant : Donkers et al.
Application No.: 12/515,590
Filed: November 5, 2008

DECISION DENYING PETITION UNDER *37 CFR 1.181*

This decision is in response to the petition filed November 14, 2011 in the above-identified application. Petitioner requests withdrawal of the finality of the Office action mailed September 14, 2011, under 37 CFR 1.181.

The petition is **DENIED**.

Petitioner asserts that in the September 14, 2011 Office action (hereafter "FINAL action"), new grounds of rejection were applied and the examiner failed to address all of Applicant's previous arguments. It is noted that Petitioner has not sought relief or review of the merits of the applied rejections themselves, but merely of the FINAL status of the rejection.

A review of the record indicates that the FINAL action did not apply new grounds of rejection and responded to Applicant's previous arguments.

In support of Petitioner's assertion that the FINAL action included new grounds of rejection, the Petitioner points to a statement from the Examiner's response to

arguments section. Petitioner argues that this statement constitutes a newly presented reasoning because this interpretation had not been previously presented.

This is not persuasive. In the response to arguments the Examiner did not modify the applied rejection but merely responded to a specific argument raised by applicant. The statement that an oxide can be broadly construed as an adhesive does not present a new interpretation that changes the thrust of the rejection. The thrust of the rejection is that the combination is obvious because it would eliminate the use of intermediate layers thus saving material costs associated with adhesives, tapes, etc. The examiner merely responded to applicant's argument by pointing out that the oxide of Guckel is broadly an adhesive since Guckel uses the oxide as the intermediate layer to hold (adhere) the cap and substrate together. The thrust of the rejection remains that the combination is obvious since using silicon to silicon bonding would eliminate the need for the use of the intermediate, adhesive oxide layer of Guckel.

In further support of Petitioner's assertion, the Petitioner argues that the examiner has repeatedly failed to identify any support for the rejection of claim 13 in the references of record.

This is not persuasive. The original rejection and the FINAL action particularly points to column 8 lines 50-64 for HF wet etching to remove layers. Thus, the FINAL action clearly does point to support in the references of record.

In support of Petitioner's assertion that the FINAL action failed to respond to applicant's arguments, the Petitioner points to their arguments regarding claim 5.

This is not persuasive. The FINAL action page 2 specifically addresses applicant's argument regarding claim 5. The examiner explained why the applied motivation was still valid in light of applicant's arguments. Thus the examiner did respond to Applicant's previous arguments.

As Petitioner's reasoning and points raised in favor of their position do not show error in having made the September 14, 2011 Office action FINAL, this Petition seeking withdraw of finality of the outstanding office action is **DENIED** and the finality of the action is maintained.

Matthew S. Smith
Acting Director, Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

27 AUG 2010

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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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Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

In re Application of	:	
LINDHOLM et al.	:	
Application No.: 12/515,652	:	DECISION ON PETITION
PCT No.: PCT/EP2006/068912	:	UNDER 37 CFR 1.47(a)
Int. Filing: 24 November 2006	:	
Priority Date: None	:	
Attorney Docket No.: P22904-US1	:	
For: AUTHENTICATION IN A COMMUNICATIONS NETWORK	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 13 July 2010 to accept the application without the signature of joint-inventor, John Michael Walker.

BACKGROUND

On 24 November 2006, applicants filed international application PCT/EP2006/068912 which claimed no priority date. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the international filing date, 24 May 2009.

On 20 May 2009, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 02 December 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 April 2010, applicants filed a petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) seeks acceptance of the application without the signature of joint-inventor, John Michael Walker. In a decision dated 24 May 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 13 July 2010, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

Regarding item (2) above, Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

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

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the U.S. patent application (specification, claims, drawings, and declaration) to John Michael Walker. The efforts to reach the nonsigning inventor have been outlined in the declarations of Jennifer Lynn Hardin and Pamela K. Ewing. However, the declarations fail to include evidence to demonstrate that the materials were actually received by the nonsigning inventor at his last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

Lastly, it is unclear whether the petitioner is asserting that the nonsigning inventor (John Michael Walker) has refused to execute the application or cannot be located to execute the application. If John Michael Walker cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate John Michael Walker. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Therefore, item (2) has not been satisfied.

For the above reasons, it would not be appropriate to accept this application without the signature of John Michael Walker at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

In re Application of: LINDHOLM et al.	:	
Application No.: 12/515,652	:	
PCT No.: PCT/EP2006/068912	:	DECISION ON PETITION
Int. Filing: 24 November 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: None	:	
Attorney Docket No.: P22904-US1	:	
For: AUTHENTICATION IN A	:	
COMMUNICATIONS NETWORK	:	

In a decision mailed by this Office on 27 August 2010, applicants' renewed petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had received a copy of the complete application papers and refused to execute the application.

On 26 October 2010, petitioner filed the (second) renewed petition considered herein. The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor on 07 December via electronic mail. The documents provided to John Michael Walker included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor John Michael Walker. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

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

UNITED STATES 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 Michael Walker
Gerstkamp 87
2592 Den Haag
Netherlands

In re Application of:
LINDHOLM et al.
Application No.: 12/515,652
PCT No.: PCT/EP2006/068912
Int. Filing: 24 November 2006
Priority Date: None
Attorney Docket No.: P22904-US1
For: AUTHENTICATION IN A COMMUNICATIONS NETWORK

Dear John Michael Walker :

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

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

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

Counsel of Record:
Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

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.
12/515,660	05/20/2009	Seongeun Lee	1630-0736PUS1	1563

2292 7590 08/06/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
RIDLEY, BASIA ANNA

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/06/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

August 5, 2010

In re application of	:	DECISION ON REQUEST TO
Seongeun Lee et al	:	PARTICIPATE IN PATENT
Serial No. 12/515,660	:	PROSECUTION HIGHWAY
Filed: May 20, 2009	:	PROGRAM AND
For: SOLAR CELL AND METHOD	:	PETITION TO MAKE SPECIAL
FOR MANUFACTURING THE SAME	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed on June 11, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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:	12515691	Filing date:	2010-02-19
First Named Inventor:	Jon Siann		
Title of the Invention:	Wireless Network Camera Systems		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US07/85308

The international date of the corresponding PCT application(s) is/are: 2007-11-20

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.:	
First Named Inventor:	

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 2009-10-20

(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 2009-10-20

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-62	1-57, 60-62	The patentable claims in the PCT application exactly match
		the claims with the same claim numbers of the corresponding
		US application.

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

Signature /Heather Mueller/	Date February 8, 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.

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.
12/515,691	02/19/2010	Jon Siann	MicrP001	1765

67362 7590 06/01/2011
THE MUELLER LAW OFFICE, P.C.
12707 High Bluff Drive, Suite 200
San Diego, CA 92130

EXAMINER
DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2486	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	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):

heather@themuellerlawoffice.com
contact@themuellerlawoffice.com
docket@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

In re Application of: Jon Siann et al.
Application No. 12515691
Filed: February 19, 2010
For: Wireless Network Camera Systems

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 PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 19, 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.

(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) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d) if filed before May 25, 2010..

(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 Tod Swann at 571-272-3612

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.

/Tod Swann/

Tod Swann
Quality Assurance Specialist
Technology Center 2400

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NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 101/2
EAST HANOVER NJ 07936-1080

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Mutz	:	
Application No. 12/515,743	:	DECISION ON PETITION
Filed: May 21, 2009	:	
Attorney Docket No. 50517-US-PCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed June 2, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 3, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1860.00, and (3) a statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,270 extension of time fee submitted with the petition on December 6. 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1626 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions

26 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

32692
3M INNOVATIVE PROPERTIES COMPANY
P.O. Box 33427
St. Paul, MN 55133-3427

In re Application of
MACH *et al*
U.S. Application No.: 12/515,745
PCT No.: PCT/US2007/085252
Int. Filing Date: 20 November 2007
Priority Date: 22 November 2006
Attorney Docket No.: 62746US006
For: FLUIDIC ANTIBODY-CONTAINING DEVICES AND METHODS

DECISION

This decision is in response to the renewed petition under 37 CFR 1.182 filed 08 July 2010.

BACKGROUND

On 11 May 2010, a decision dismissing applicants' petition to change the name of an inventor was mailed. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 08 July 2010, applicants filed a renewed petition under 37 CFR 1.182 which was accompanied by, *inter alia*, a statement of the inventor whose name has changed and a petition fee.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

Petitioners submitted the $400.00 petition fee and statement by Brinda B. LAKSHMI, the inventor whose name has changed. The statement lists both names (Brinda B. BADRI and Brinda B. LAKSHMI) and declares that the change was as a result of marriage.

This is sufficient for a grantable petition.

CONCLUSION

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

The name of the co-inventor has been changed to Brinda B. LAKSHMI.

Accordingly, the declaration submitted 12 February 2010 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 November 2007, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 February 2010.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

Application No:	12/515,769	Filing date:	14 December 2009
First Named Inventor:	Thomas HILLE		
Title of the Invention:	Transdermal Therapeutic System Comprising Ion Pair Microreservoirs		

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/EP07/009926

The international filing date of the corresponding PCT application(s) is/are: 16 November 2007

I. List of Required Documents:

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

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

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

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

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

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

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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.:	12/515,769
First Named Inventor:	Thomas HILLE

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 21 May 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 21 May 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same claim
2	2	Same claim
3	3	Same claim
4	4	Same claim
5	5	Same claim
6	6	Same claim, except that multiple dependency has been deleted from US claim
7	7	Same claim, except that multiple dependency has been deleted from US claim
8	8	Same claim, except that multiple dependency has been deleted from US claim
9	9	Same claim, except that multiple dependency has been deleted from US claim
10	10	Same claim
11	11	Same claim, except that multiple dependency has been deleted from US claim
12	1-4	Claim 12 is a combination of the elements of claims 1-4

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

Signature /Howard C. Lee/	Date 12 December 2011
Name (Print/Typed) Howard C. Lee	Registration Number 48104

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2006/120 WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2007/009926	International filing date *(day/month/year)* 16.11.2007	Priority date *(day/month/year)* 21.11.2006
International Patent Classification (IPC) or national classification and IPC A61K9/70		
Applicant LTS LOHMANN THERAPIE-SYSTEME AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of _____ sheets, as follows:
      - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))
      _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2007/009926

Box No. I **Basis of the report**

1. With regard to the **language**, this report is based on:
   - [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))
     - [ ] publication of the international application (Rule 12.4(a))
     - [ ] international preliminary examination (Rule 55.2(a) and/or 55.3(a))
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
   - [ ] the international application as originally filed/furnished
   - [x] the description:
     - pages 1-8 as originally filed/furnished
     - pages* _____ received by this Authority on _____
     - pages* _____ received by this Authority on _____
   - [x] the claims:
     - nos. 1-11 as originally filed/furnished
     - nos.* _____ as amended (together with any statement) under Article 19
     - nos.* _____ received by this Authority on _____
     - nos.* _____ received by this Authority on _____
   - [ ] the drawings:
     - sheets _____ as originally filed/furnished
     - sheets* _____ received by this Authority on _____
     - sheets* _____ received by this Authority on _____
   - [ ] a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages _____
   - [ ] the claims, nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____
   - [ ] any table(s) related to sequence listing *(specify)*: _____
4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - [ ] the description, pages _____
   - [ ] the claims, nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____
   - [ ] any table(s) related to sequence listing *(specify)*: _____
5. [ ] This report has been established taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2007/009926

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following document:
D1: WO0241878

2. **Novelty** (PCT Article 33(2))

2.1. The present claim 1 of the present application defines a transdermal system comprising (1) a backing layer that is impermeable to the active substance, (2) at least one matrix layer consisting of polysiloxanes and/or polysiloxane derivatives and containing micro-reservoirs and (3) a peelable protective layer that is impermeable to the active substance, characterized in that (4) the micro-reservoirs form a solid, semi-solid or liquid inner phase within the matrix, (5) wherein the inner phase consists of at least one ion pair of a pharmacologically active substance and an additive, (6) the additive is present in an at least equimolar amount and (7) either the active substance is a cation former and the additive is an anion former or the active substance is an anion former and the additive is a cation former.

2.2. Document D1 discloses (see the passages cited in the international search report) a transdermal therapeutic system of the matrix type with (1) a backing layer that is impermeable to the active substance and (3) an active substance-containing matrix based on polysiloxane-polymethacrylate copolymers with an optional adhesive layer. The active substance can be selected from fentanyl, salbutamol or memantine as well as diclofenac. Fatty acids are used as a support material or as a permeation enhancer. This disclosure differs from the application in that document D1 expressly does not mention ion pairs (5, 7) and in that (6) the additive (fatty acid) is contained in equimolar amounts.

The substantive matter of claim 1 of the present application satisfies the requirements of PCT Article 33(2) with respect to prior art document D1.

3. **Inventive Step** (PCT Article 33(3))

3.1. The problem addressed by the present application consisted in providing a matrix for transdermal systems that contain ion pairs of chargeable active substances and oppositely chargeable ion pair-forming additives, the matrix having improved substance saturation and no weakening effect on the polymer base (see application, page 2, line 31 to page 3, line 3).

3.2. The solution to this problem consisted on the one hand in using a polymer base material consisting of

polysiloxane. In order to counteract the solubility of the active substance (see page 3, lines 5-11), micro-reserves are also employed. On the other hand, the permeability is improved by the use of ion pairs of the substance and complementarily charged equimolar additives with high thermodynamic activity (page 4, lines 1-15).

3.3. None of the search report citations is concerned with this problem. Accordingly, the claimed solution is also not described or suggested by the cited prior art (PCT Article 33(3)).

3.4. As a solution to the problem, document D1 not only discloses compositions that are an active substance-containing matrix and contain the same selection of active substances, but also mentions the same design of the transdermal system and fatty acid as a preferred (anion-forming) additive. However, D1 does not lead a person skilled in the art to use only polysiloxanes in the backing layer. The skilled person also cannot find anything in D1 that would suggest the use of micro-reservoirs that contain the ion pairs.

Therefore, the present claims involve an inventive step within the meaning of PCT Article 33(3).

Box No. VII **Certain defects in the international application**

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

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.

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

Copy of claims which were identified as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s) - PCT/EP07/009926

1. A transdermal therapeutic system comprising an active ingredient-impermeable backing layer, at least one matrix layer consisting of polysiloxanes and/or polysiloxane derivatives and comprising microreservoirs, and a detachable, active ingredient-impermeable protective layer, characterized in that the microreservoirs within the matrix form a solid, semisolid or liquid internal phase which consists of at least one ion pair of in each case one pharmacologically active ingredient and one additive, where the additive is present in at least equimolar quantity, and either the active ingredient is a cation former and the additive is an anion former or the active ingredient is an anion former and the additive is a cation former.

2. The transdermal therapeutic system as claimed in claim 1, characterized in that the ion pair is present in the form of a physicochemical molecular association.

3. The transdermal therapeutic system as claimed in claim 1, characterized in that the internal phase represents at least 0.2% by weight of the matrix.

4. The transdermal therapeutic system as claimed in claim 1, characterized in that it comprises at least one membrane layer.

5. The transdermal therapeutic system as claimed in claim 1, characterized in that it comprises an additional adhesive layer.

6. The transdermal therapeutic system as claimed in claims 1-5, characterized in that nicotine, moxonidine, clonidine, scopolamine, atropine, buprenorphine, fentanyl and its derivatives, salbutamol or memantine are used as cation-forming active ingredients.

7. The transdermal therapeutic system as claimed in claims 1-5, characterized in that diclofenac, ketoprofen, ibuprofen, acetylsalicylic acid or salicylic acid are used as anion-forming active ingredients.

8. The transdermal therapeutic system as claimed in at least one of the preceding claims, characterized in that saturated or unsaturated fatty acids or derivatives thereof are used as anion-forming additives.

9. The transdermal therapeutic system as claimed in at least one of the preceding claims, characterized in that amines are used as cation-forming additives.

10. The transdermal therapeutic system as claimed in claim 9, characterized in that diethanolamine, triethanolamine, dimethylaminoethanol and/or tromethanol are used.

11. The transdermal therapeutic system as claimed in at least one of the preceding claims, characterized in that the matrix layer comprises permeation enhancers, plasticizers and/or hydrophilic or lipophilic polymers.

Confirm. No. 2623
512100-2070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	HILLE et al.
Serial No.	:	12/515,769 (U.S. Patent Application Publication 2010-0112064)
Filing Date	:	14 December 2009
For	:	TRANSDERMAL THERAPEUTIC SYSTEM COMPRISING ION PAIR MICRORESERVOIRS
Examiner	:	COUGHLIN, Daniel F.
Art Unit	:	1619

745 Fifth Avenue
New York, NY 10151

Filed via EFS-Web
12 December 2011

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)

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

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

Dear Sir:

This Petition requests entry of the Amendment which is being file concurrently with this Petition. The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Account No. 50-0320.

REMARKS

Although substantive examination of this application has not yet begun, the applicants note that a Restriction Requirement was mailed on 15 November 2012 (the applicants anticipate that a reply will be filed by 15 February 2012; although a response without an extension of time is due on 15 December 2011, negative patent term adjustment time would not begin to accrue for applicants' delay until 15 February 2012.)

As such, the applicants realize that a petition grant would not substantially expedite prosecution of the application as the examination on the merits would likely begin a few months after the response to the Restriction Requirement is filed.

However, the applicants still request consideration and granting of this petition not only for the purpose of expediting prosecution, but also to provide a record of how the spirit of worksharing programs such as the PPH is not being followed by the Examining corps which may explain in part why the USPTO's initiatives to reduce the backlog have not been more successful (e.g. the "total" application backlog has actually increased from the end of October 2011 (766,533) compared to the end of October 2009 (753,385) - with "total" application backlog being defined as the combination of backlogged new applications, RCEs and applications at the BPAI).[1]

Although the standards for novelty and inventive step are not identical to anticipation and obviousness, respectively, for the Restriction Requirement, the Examiner of the PCT application was reviewing the application under the same unity of invention standard as the U.S. Examiner. As such, the applicants request grant of this petition to further tie the PCT application to the U.S. National Phase application in order to strengthen the argument against the Restriction Requirement should the Restriction Requirement be maintained by the U.S. Examiner.

[1] End of Oct. 2011 backlog (766,533 = (671,409) new applications + (70,535) RCEs + (24,689) applications at the BPAI); End of Oct. 2009 backlog (753,385 = (722,835) new applications + (17,763) RCEs + (12,787) applications at the BPAI)

CONCLUSION

In view of these remarks and amendments, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are solicited. The Examiner is invited to call the undersigned to advance prosecution. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: /Howard C. Lee/
William F. Lawrence Howard C. Lee
Reg. No. 28,029 Reg. No. 48,104
Telephone: (212) 588-0800
Facsimile: (212) 588-0500

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 24 2012

OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of
Thomas Hille et al.
Application No.: 12/515,769
Filed: December 14, 2009
Attorney Docket No.: 512100-2070
For: TRANSDERMAL THERAPEUTIC SYSTEM COMPRISING ION PAIR MICRORESERVOIRS

: 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 December 12, 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, 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.

Conditions (1-2) and (4-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to supply a statement that the English translation of the claims is accurate. Therefore, the request cannot be granted at this time.

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 JoAnne Burke at 571-272-4584.

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

Ramesh Krishnamurthy
RAMESH KRISHNAMURTHY

for David Bucci
Petitions Examiner
Office of Petitions

Confirm. No. 2623
512100-2070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	HILLE et al.
Serial No.	:	12/515,769 (U.S. Patent Application Publication 2010-0112064)
Filing Date	:	14 December 2009
For	:	TRANSDERMAL THERAPEUTIC SYSTEM COMPRISING ION PAIR MICRORESERVOIRS
Examiner	:	COUGHLIN, Daniel F.
Art Unit	:	1619

745 Fifth Avenue
New York, NY 10151

Filed via EFS-Web
29 February 2012

CORRECTED PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)

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

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

Dear Sir:

This Petition requests entry of the Amendment which is being file concurrently with this Petition. The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Account No. 50-0320.

01061122

REMARKS

Although substantive examination of this application has not yet begun, the applicants note that a Restriction Requirement was mailed on 15 November 2012 (the applicants anticipate that a reply will be filed by 15 February 2012; although a response without an extension of time is due on 15 December 2011, negative patent term adjustment time would not begin to accrue for applicants' delay until 15 February 2012.)

As such, the applicants realize that a petition grant would not substantially expedite prosecution of the application as the examination on the merits would likely begin a few months after the response to the Restriction Requirement is filed.

However, the applicants still request consideration and granting of this petition not only for the purpose of expediting prosecution, but also to provide a record of how the spirit of worksharing programs such as the PPH is not being followed by the Examining corps which may explain in part why the USPTO's initiatives to reduce the backlog have not been more successful (e.g. the "total" application backlog has actually increased from the end of October 2011 (766,533) compared to the end of October 2009 (753,385) - with "total" application backlog being defined as the combination of backlogged new applications, RCEs and applications at the BPAI).[1]

Although the standards for novelty and inventive step are not identical to anticipation and obviousness, respectively, for the Restriction Requirement, the Examiner of the PCT application was reviewing the application under the same unity of invention standard as the U.S. Examiner. As such, the applicants request grant of this petition to further tie the PCT application to the U.S. National Phase application in order to strengthen the argument against the Restriction Requirement should the Restriction Requirement be maintained by the U.S. Examiner.

ADDITIONAL REMARKS IN REPLY TO DECISION ON REQUEST MAILED 24 FEBRUARY 2012

The petition filed on 12 December 2011 was denied because the applicants failed to supply a statement that the English translation of the claims is accurate. **The applicants hereby**

[1] End of Oct. 2011 backlog (766,533 = (671,409) new applications + (70,535) RCEs + (24,689) applications at the BPAI); End of Oct. 2009 backlog (753,385 = (722,835) new applications + (17,763) RCEs + (12,787) applications at the BPAI)

state that the English translation of the claims from the PCT application (PCT/EP07/009926) is accurate.

CONCLUSION

In view of these remarks and amendments, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are solicited. The Examiner is invited to call the undersigned to advance prosecution. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: /Howard C. Lee/
William F. Lawrence Howard C. Lee
Reg. No. 28,029 Reg. No. 48,104
Telephone: (212) 588-0800
Facsimile: (212) 588-0500

PTO/SB/20PCT-EP (05-10)
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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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/515,769	Filing date:	14 December 2009
First Named Inventor:	Thomas HILLE		
Title of the Invention:	Transdermal Therapeutic System Comprising Ion Pair Microreservoirs		

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/EP07/009926

The international filing date of the corresponding PCT application(s) is/are: 16 November 2007

I. List of Required Documents:

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

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

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

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

(continued)

Application No.:	12/515,769
First Named Inventor:	Thomas HILLE

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 21 May 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 21 May 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same claim
2	2	Same claim
3	3	Same claim
4	4	Same claim
5	5	Same claim
6	6	Same claim, except that multiple dependency has been deleted from US claim
7	7	Same claim, except that multiple dependency has been deleted from US claim
8	8	Same claim, except that multiple dependency has been deleted from US claim
9	9	Same claim, except that multiple dependency has been deleted from US claim
10	10	Same claim
11	11	Same claim, except that multiple dependency has been deleted from US claim
12	1-4	Claim 12 is a combination of the elements of claims 1-4

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

Signature /Howard C. Lee/	Date 12 December 2011
Name (Print/Typed) Howard C. Lee	Registration Number 48104

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2006/120 WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2007/009926	International filing date *(day/month/year)* 16.11.2007	Priority date *(day/month/year)* 21.11.2006
International Patent Classification (IPC) or national classification and IPC A61K9/70		
Applicant LTS LOHMANN THERAPIE-SYSTEME AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of _____ sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))
      _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2007/009926

Box No. I **Basis of the report**

1. With regard to the language, this report is based on:
   - [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))
     - [ ] publication of the international application (Rule 12.4(a))
     - [ ] international preliminary examination (Rule 55.2(a) and/or 55.3(a))
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
   - [ ] the international application as originally filed/furnished
   - [x] the description:
     - pages 1-8 as originally filed/furnished
     - pages* _____ received by this Authority on _____
     - pages* _____ received by this Authority on _____
   - [x] the claims:
     - nos. 1-11 as originally filed/furnished
     - nos.* _____ as amended (together with any statement) under Article 19
     - nos.* _____ received by this Authority on _____
     - nos.* _____ received by this Authority on _____
   - [ ] the drawings:
     - sheets _____ as originally filed/furnished
     - sheets* _____ received by this Authority on _____
     - sheets* _____ received by this Authority on _____
   - [ ] a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages _____
   - [ ] the claims, nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____
   - [ ] any table(s) related to sequence listing *(specify)*: _____
4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - [ ] the description, pages _____
   - [ ] the claims, nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____
   - [ ] any table(s) related to sequence listing *(specify)*: _____
5. [ ] This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2007/009926

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following document:
D1: WO0241878

2. **Novelty** (PCT Article 33(2))

2.1. The present claim 1 of the present application defines a transdermal system comprising (1) a backing layer that is impermeable to the active substance, (2) at least one matrix layer consisting of polysiloxanes and/or polysiloxane derivatives and containing micro-reservoirs and (3) a peelable protective layer that is impermeable to the active substance, characterized in that (4) the micro-reservoirs form a solid, semi-solid or liquid inner phase within the matrix, (5) wherein the inner phase consists of at least one ion pair of a pharmacologically active substance and an additive, (6) the additive is present in an at least equimolar amount and (7) either the active substance is a cation former and the additive is an anion former or the active substance is an anion former and the additive is a cation former.

2.2. Document D1 discloses (see the passages cited in the international search report) a transdermal therapeutic system of the matrix type with (1) a backing layer that is impermeable to the active substance and (3) an active substance-containing matrix based on polysiloxane-polymethacrylate copolymers with an optional adhesive layer. The active substance can be selected from fentanyl, salbutamol or memantine as well as diclofenac. Fatty acids are used as a support material or as a permeation enhancer. This disclosure differs from the application in that document D1 expressly does not mention ion pairs (5, 7) and in that (6) the additive (fatty acid) is contained in equimolar amounts.

The substantive matter of claim 1 of the present application satisfies the requirements of PCT Article 33(2) with respect to prior art document D1.

3. **Inventive Step** (PCT Article 33(3))

3.1. The problem addressed by the present application consisted in providing a matrix for transdermal systems that contain ion pairs of chargeable active substances and oppositely chargeable ion pair-forming additives, the matrix having improved substance saturation and no weakening effect on the polymer base (see application, page 2, line 31 to page 3, line 3).

3.2. The solution to this problem consisted on the one hand in using a polymer base material consisting of

polysiloxane. In order to counteract the solubility of the active substance (see page 3, lines 5-11), micro-reserves are also employed. On the other hand, the permeability is improved by the use of ion pairs of the substance and complementarily charged equimolar additives with high thermodynamic activity (page 4, lines 1-15).

3.3. None of the search report citations is concerned with this problem. Accordingly, the claimed solution is also not described or suggested by the cited prior art (PCT Article 33(3)).

3.4. As a solution to the problem, document D1 not only discloses compositions that are an active substance-containing matrix and contain the same selection of active substances, but also mentions the same design of the transdermal system and fatty acid as a preferred (anion-forming) additive. However, D1 does not lead a person skilled in the art to use only polysiloxanes in the backing layer. The skilled person also cannot find anything in D1 that would suggest the use of micro-reservoirs that contain the ion pairs.

Therefore, the present claims involve an inventive step within the meaning of PCT Article 33(3).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2007/009926

Box No. VII **Certain defects in the international application**

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

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.

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

Copy of claims which were identified as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s) - PCT/EP07/009926

1. A transdermal therapeutic system comprising an active ingredient-impermeable backing layer, at least one matrix layer consisting of polysiloxanes and/or polysiloxane derivatives and comprising microreservoirs, and a detachable, active ingredient-impermeable protective layer, characterized in that the microreservoirs within the matrix form a solid, semisolid or liquid internal phase which consists of at least one ion pair of in each case one pharmacologically active ingredient and one additive, where the additive is present in at least equimolar quantity, and either the active ingredient is a cation former and the additive is an anion former or the active ingredient is an anion former and the additive is a cation former.

2. The transdermal therapeutic system as claimed in claim 1, characterized in that the ion pair is present in the form of a physicochemical molecular association.

3. The transdermal therapeutic system as claimed in claim 1, characterized in that the internal phase represents at least 0.2% by weight of the matrix.

4. The transdermal therapeutic system as claimed in claim 1, characterized in that it comprises at least one membrane layer.

5. The transdermal therapeutic system as claimed in claim 1, characterized in that it comprises an additional adhesive layer.

6. The transdermal therapeutic system as claimed in claims 1-5, characterized in that nicotine, moxonidine, clonidine, scopolamine, atropine, buprenorphine, fentanyl and its derivatives, salbutamol or memantine are used as cation-forming active ingredients.

7. The transdermal therapeutic system as claimed in claims 1-5, characterized in that diclofenac, ketoprofen, ibuprofen, acetylsalicylic acid or salicylic acid are used as anion-forming active ingredients.

8. The transdermal therapeutic system as claimed in at least one of the preceding claims, characterized in that saturated or unsaturated fatty acids or derivatives thereof are used as anion-forming additives.

9. The transdermal therapeutic system as claimed in at least one of the preceding claims, characterized in that amines are used as cation-forming additives.

10. The transdermal therapeutic system as claimed in claim 9, characterized in that diethanolamine, triethanolamine, dimethylaminoethanol and/or tromethanol are used.

11. The transdermal therapeutic system as claimed in at least one of the preceding claims, characterized in that the matrix layer comprises permeation enhancers, plasticizers and/or hydrophilic or lipophilic polymers.

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

Application No:	12/515,795	Filing date:	April 6, 2010
First Named Inventor:	Martijn Schaaper		
Title of the Invention:	Body Part Protector		

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/NL2007/050581

The international filing date of the corresponding PCT application(s) is/are: November 22, 2007

I. List of Required Documents:

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

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

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

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/515,795
First Named Inventor:	Martijn Schaaper

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 June 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 June 12, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US and PCT claim are identical.
2	2	US and PCT claim are of the same scope.
3	3	US claim is narrower in scope than the PCT claim.
4	4	US claim is narrower in scope than the PCT claim.
5	5	US claim is narrower in scope than the PCT claim.
6	6	US claim is narrower in scope than the PCT claim.
7	7	US claim is narrower in scope than the PCT claim.
8	8	US claim is narrower in scope than the PCT claim.
9	9	US claim is narrower in scope than the PCT claim.
10	10	US claim is narrower in scope than the PCT claim.
11	11	US and PCT claim are of the same scope.
12	12	US claim is narrower in scope than the PCT claim.
13	13	US claim is narrower in scope than the PCT claim.
14	14	US claim is narrower in scope than the PCT claim.
15	15	US claim is narrower in scope than the PCT claim.
16	16	US claim is narrower in scope than the PCT claim.
17	17	US claim is narrower in scope than the PCT claim.
18	18	US claim is narrower in scope than the PCT claim.
19	19	US claim is narrower in scope than the PCT claim.
20	20	US claim is narrower in scope than the PCT claim.

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

Signature /TD Bratschun/	Date 11/1/11
Name (Print/Typed) Thomas D. Bratschun	Registration Number 32966

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

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST TO
Martijn Schaaper, et. al.	: PARTICIPATE IN THE PATENT
Application No.: 12/515,795	: PROSECUTION HIGHWAY
Filed: April 6, 2010	: PROGRAM AND PETITION
Attorney Docket No.: 0064.56	: TO MAKE SPECIAL UNDER
For: BODY PART PROTECTOR	: 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 November 1, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1-6), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails to meet requirement (7).

Regarding the requirement of condition (7), applicant has failed to provide a copy of the complete references cited by the examiner. In this regard, the International Search Report cites US 2006041985; however, petitioner failed to mention the above reference in the Information Disclosure Statement (IDS) filed June 12, 2009.

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 Andrea Smith at (571) 272-3226. 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.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

David Buoci
Petitions Examiner

Attorney Docket No. 0064.56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	SCHAAPER, et al.	EXAMINER: FULLER, BRIEANNA T.
SERIAL NO.:	12/515,795	ART UNIT: 3765
FILED:	APRIL 6, 2010	CONFIRMATION NO.: 2765
TITLE:	BODY PART PROTECTOR	

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

REQUEST TO REINSTATE PPH PETITION

Dear Sir:

A request to participate in the PCT-PPH pilot program and petition under 37 CFR 1.102(a) were filed on November 1, 2011 and a decision dismissing the request was mailed on January 19, 2012, because applicant failed mention Godshaw, US 2006/0041985 in the Information Disclosure Statement (IDS) filed June 12, 2009.

Applicant is submitting herewith an IDS containing the missing reference and hereby requests that the PCT-PPH request and petition be reinstated.

Respectfully submitted,

/TD Bratschun/

Date: 2/13/12

Thomas D. Bratschun, #32,966
Swanson & Bratschun, L.L.C.
8210 Southpark Terrace
Littleton, CO 80120
Telephone: (303) 268-0066
Direct: (303) 268-6630
Facsimile: (303) 268-0065

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 19 2012
OFFICE OF PETITIONS

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

In re Application of
Martijn Schaaper, et. al.
Application No.: 12/515,795
Filed: April 6, 2010
Attorney Docket No.: 0064.56
For: BODY PART PROTECTOR

: 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 November 1, 2011 and renewed on February 13, 2012, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(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 PPH pilot program and the present petition fails meet condition (5) above.

In this regard, since examination of the application began March 2, 2012, the present petition cannot be granted.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Anthony Knight
Director
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LADAS & PARRY LLP
1040 Avenue of the Americas
NEW YORK NY 10018-3738

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Patent No. 8,050,294 :
Issue Date: November 1, 2011 :
Application No. 12/515,799 : DECISION ON PETITION
Filed: December 14, 2009 :
Attorney Docket No. U 017726-3 :

This is a decision on the Petition For Correction of Assignee's Name, filed December 12, 2011, to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

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

Petitioner urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignee's name identified thereon from:

"Datang Mobile Communications Equipment Co., Ltd."

to:

--China Academy of Telecommunications Technology--

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

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

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 8,050,294.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
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.
12/515,819	12/10/2009	Yong-gyu Han	LGCHEM 3.3-104	2905

86765 7590 08/13/2010
LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
08/13/2010	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):

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 1 3 2010

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

In re Application of	:	
KONO, TOMOHIRO et. al.	:	DECISION ON REQUEST TO
Application No. 12/615,750	:	PARTICIPATE IN PATENT
Filed: November 10, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 1691-0214PUS3	:	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 November 12, 2009, 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 Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCCHUUTI ROHLICEK & TSAO LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

MAILED
JAN 27 2011
OFFICE OF PETITIONS

Applicant: Hehenberger, et al.
Appl. No.: 12/515,849
International Filing Date: November 5, 2007
Title: DIFFERENTIAL GEAR ON A WIND POWER PLANT AND METHOD FOR CHANGING OR SWITCHING THE POWER RANGE OF SAID DIFFERENT GEAR
Attorney Docket No.: 30020-234US1
Pub. No.: US 2010/0048350 A1
Pub. Date: February 25, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 20, 2010, for the above-identified application.

The request is 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.

M. Polutta

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/515,861	05/21/2009	Naoyoshi Takamatsu	Q113447	3185

23373 7590 03/08/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
03/08/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of: TAKAMATSU, NAOYOSHI et al Serial No.: 12/515,861 Filed: May 21, 2009 Docket: Q113447 Title: COOLING SYSTEM	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) 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 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 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. Currently, the application is undergoing pre-examination processing. Upon completion, 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 Cheryl Tyler, SPE of Art Unit 3744, and 571-272-4834 for Class 62/259 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZARLEY LAW FIRM P.L.C.
CAPITAL SQUARE
400 LOCUST, SUITE 200
DES MONIES, IA 50309-2350

MAILED
AUG 05 2011
OFFICE OF PETITIONS

Applicant: David Liley
Appl. No.: 12/515,909
International Filing Date: November 15, 2007
Title: NEURODIAGNOSTIC MONITORING AND DISPLAY SYSTEM
Attorney Docket No.: P07273US0-Liley
Pub. No.: US 2010/0249638 A1
Pub. Date: September 30, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 14, 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

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

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Hiroshi Machino	: PARTICIPATE IN THE PATENT
Application No. 12/515,956	: PROSECUTION HIGHWAY
Filed: May 22, 2009	: PROGRAM AND PETITION
Attorney Docket No. 1163-0716PUS1	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 20, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Regarding the requirement of condition (5), the examination of the U.S. application has begun. Currently, a final Office Action was mailed December 14, 2011 in the above-identified application.

Telephone 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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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Paper No. 20120307

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of:	:	
De VRIES et al.	:	PETITION FOR CORRECTION OF
Serial No.: 12/515,969	:	INVENTORSHIP
Filed: May 22, 2009	:	UNDER 37 CFR § 1.48(a)
Attorney Docket No.: 2006P02261WOUS	:	

This is a decision on the petition filed March 1, 2012 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed March, 1, 2012 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by DELETING the name:

Eduard Meijer

Additionally the request to correct the spelling of the inventors has been accepted.

The corrections are as follows:

From Merion Eindhoven to his correct name:

--Merion Wijnen--;

From Mercus Benedicts Hoppenbrouwers to his correct name:

--Marcus Benedictus Hoppenbrouwers--.

The application will be forwarded to the Office of Data Management (ODM) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Gregory J. Toatley, Jr/
Supervisory Patent Examiner,
Art Unit 2877

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/515,969	05/22/2009	Bartele Hendrik DE VRIES	2006P02261WOUS	4051

24737 7590 03/08/2012
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
UNDERWOOD, JARREAS C

ART UNIT	PAPER NUMBER
2877	

NOTIFICATION DATE	DELIVERY MODE
03/08/2012	ELECTRONIC

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

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

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

vera.kublanov@philips.com
debbie.henn@philips.com
marianne.fox@philips.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

Paper No. 20120307

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of:	:	
De VRIES et al.	:	PETITION FOR CORRECTION OF
Serial No.: 12/515,969	:	INVENTORSHIP
Filed: May 22, 2009	:	UNDER 37 CFR § 1.48(a)
Attorney Docket No.: 2006P02261WOUS	:	

This is a decision on the petition filed March 1, 2012 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed March, 1, 2012 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by DELETING the name:

Eduard Meijer

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--Merion Wijnen--;

From Mercus Benedicts Hoppenbrouwers to his correct name:

--Marcus Benedictus Hoppenbrouwers--.

The application will be forwarded to the Office of Data Management (ODM) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Gregory J. Toatley, Jr/
Supervisory Patent Examiner,
Art Unit 2877

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 27 2010

OFFICE OF PETITIONS

DICKSTEN SHAPIRO LLP
1633 Broadway
New York, NY 10019

In re Application of	:	
Dennis John Versteeg, et al.	:	
Application No. 12/516,026	:	DECISION ON PETITION
Filed: August 19, 2009	:	TO WITHDRAW
Attorney Docket No. M0025.0422	:	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 24, 2010.

The request is **APPROVED**.

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

The request was signed by Edward A. Meilman 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
Petitions Examiner
Office of Petitions

cc: **Eques Coatings**
Kantsingel 60
Oss NL-5349 AJ
Netherlands

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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
12/516,026	08/19/2009	Dennis John Versteeg	M0025.0422

CONFIRMATION NO. 4366

POWER OF ATTORNEY NOTICE

32172
DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

OC000000043634165

Date Mailed: 09/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/24/2010.

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

/tsjohnson/

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

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BUCHANNAN INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Zhou Ye et al	:	
Application No. 12/516,053	:	DECISION GRANTING PETITION
Filed: May 22, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0078834-000031	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 3, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 22, 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 1736 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/516,055	05/22/2009	Stefan Abele	AC-76-US	4552

50446 7590 02/25/2011
HOXIE & ASSOCIATES LLC
75 MAIN STREET, SUITE 301
MILLBURN, NJ 07041

EXAMINER
NOLAN, JASON MICHAEL

ART UNIT	PAPER NUMBER
1626	

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

HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN NJ 07041

Applicant: Abele et al.
Appl. No.: 12/516,055
Filing Date: May 22, 2009
Title: NEW PROCESS FOR THE PREPARATION OF 2-IMINO-THIAZOLIDIN-4-ONE DERIVATIVES
Attorney Docket No.: AC-76-US
Pub. No.: US 2010/0317867 A1
Pub. Date: December 16, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed initially on January 18, 2011, and again on February 14, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. In addition, the applicant did not provide a copy of the application for publication purposes. 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: 02/28/2011 KKING1
01/19/2011 INTEFSW 00001640 12516055
01 FC:1504 -300.00 OP

Refund Ref:
02/28/2011 0030094555

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX2078

UNITED STATES 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: 04/01/11

Patent No. : 7903445 B2
Ser. No. : 12/516,192
Inventor(s) : **Song , et al.**
Issued : **March 8, 2011**
Title : Photonic memory device, data storing method using the photonic memory device and photonic sensor device
Docket No. : **2136-3029**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

LMN

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
SUITE 2300
LOS ANGELES CA 90017

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Patent No. 7,903,445 :
Application No. 12/516,192 :
Filed: May 22, 2009 : ON PETITION
Issued: March 8, 2011 :
Attorney Docket No. 2136-3029 :

This is a decision on the request, filed May 2, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct 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**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12516207
Filing Date	09-Oct-2009
First Named Inventor	Rolland Versini
Art Unit	1789
Examiner Name	SUBBALAKSHMI PRAKASH
Attorney Docket Number	210.003
Title	SPHERICAL CAPSULE FOR AN AUTOMATIC BEVERAGE PREPARATION AND DISPENSING MACHINE AND METHOD OF USE OF THE CAPSULE

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Jerome D. Jackson/
Name	Jerome D. Jackson
Registration Number	33186

UNITED STATES 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 10, 2012

In re Application of :

Rolland Versini

Application No : 12516207

Filed : 09-Oct-2009

Attorney Docket No : 210.003

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 10, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

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

Office of Petitions

N▼ ⌐

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/15/11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12516251 Patent No.: 8063212

CofC mailroom date: 12/06/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Please check (Abstract) and Claim 7.**
Should the changes to the (Abstract) and claim 7 be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved** — **All** changes apply.

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

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

Comments: _____

1624

SPE **Art Unit**

N▼ ⌐

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/15/11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12516251 Patent No.: 8063212

CofC mailroom date: 12/06/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Please check (Abstract) and Claim 7.**
Should the changes to the (Abstract) and claim 7 be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

® (11▼

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: _____

_____

_____

_____

_____

1624

SPE **Art Unit**

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.
12/516,267	02/24/2010	Junill Yoon	5097-0129PUS1	6639

2292 7590 06/28/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
06/28/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	**: DECISION ON REQUEST TO**
YOON et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/516,267	**: PROSECUTION HIGHWAY**
Filed: 24 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 5097-0129PUS1	**: TO MAKE SPECIAL UNDER**
For: POWER SWITCHING MODULE	**: 37 CFR 1.102(a)**
FOR BATTERY MODULE ASSEMBLY	

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 15 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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

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

2 7 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Greer, Burns & Crain
300 S. Wacker Dr.
25th Floor
Chicago IL 60606

In re Application of	:	
BLACK, Stephen Paul	:	
U.S. Application No.: 12/516,282	:	
PCT No.: PCT/GB2007/004495	:	
Int. Filing Date: 23 November 2007	:	
Priority Date: 23 November 2006	:	DECISION ON PETITION
Attorney Docket No.: 0247.84763	:	
For: DOCUMENT SECURITY	:	

This decision is issued in response to applicant's "Petition to Proceed in Name of Assignee in View of Nonsigning Inventor Pursuant to 37 CFR 1.47(b)" filed 02 July 2010, to accept the application without the signature of sole-inventor, Stephen P. BLACK.

BACKGROUND

On 23 November 2007, applicant filed international application PCT/GB2007/004495. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 26 May 2009.

On 26 May 2009, applicant filed a request for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 03 December 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 02 July 2010, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR

1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b) applicant has satisfied the requirements of item (1), (3) and (6). However, items (2), (4) and (5) and have not been satisfied.

Regarding item (1), applicant has only provided payment of $130.00 for the petition fee. Applicant is advised that pursuant to 37 CFR 1.17(g) the petition fee is $200.00. As authorized, the additional $70.00 due will be deducted from deposit account no. 07-2069.

As to item (2), the petition asserts that Stephen P. BLACK has refused to execute the declaration. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

Here, the attempts to contact the nonsigning inventor (Stephen P. BLACK) are set forth in the "Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor" by James Anthony Harold Perry. However, it is not clear whether the person (James Anthony Harold Perry) who executed the "Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor" is the person who conducted all of the actions set forth therein. It appears that the statements made with regards to the efforts to reach Stephen P. BLACK (or his counsel) constitutes secondhand knowledge, in that, the majority of the actions to which petitioner is averring to were conducted by representatives at Barker Brettell, LLP. Secondhand evidence does not satisfy the requirements set forth above. Applicant must provide evidence of the efforts made to reach the nonsigning inventor in the form required by the MPEP, that is, in an affidavit or declaration from a person with firsthand knowledge of the facts set forth, accompanied by copies of any supportive documentary evidence. The affidavit should include a statement that a complete copy of the application was forwarded to Stephen P. BLACK (or his counsel).

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Stephen P. BLACK (or his counsel), and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Regarding item (3) above, a clear statement of the last known address of the non-signing inventors has been provided. Item (3) has been satisfied.

Regarding item (4), an executed oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has not been provided. Item (4) has not been satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Petitioner asserts a proprietary interest based on an employment (service) agreement executed by the nonsigning inventor. The MPEP states the following with respect to an agreement in writing to assign an invention:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

Regarding item (5), petitioner has not demonstrated that applicant has a propriety interest in the invention. Petitioner has provided a copy of an employment (service) agreement executed by the nonsigning inventor. However, the petition papers do not indicate firsthand knowledge of the specific details surrounding the present invention of Stephen P. BLACK including the specific relationship of the inventive activities of Stephen P. BLACK and his employment with Mastermailer Holdings Public Limited Company. As stated in section 409.03(f) of the M.P.E.P. when such an employment agreement is relied upon, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the

37 CFR 1.47(b) applicant. An affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed has not been provided.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Stephen P. BLACK under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition filed under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO MONTHS** from the mailing date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)."

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Greer, Burns & Crain
300 S. Wacker Dr.
25th Floor
Chicago IL 60606

MAILED
MAR 14 2011
PCT LEGAL ADMINISTRATION

In re Application of
BLACK, Stephen Paul
U.S. Application No.: 12/516,282
PCT No.: PCT/GB2007/004495
Int. Filing Date: 23 November 2007
Priority Date: 23 November 2006
Attorney Docket No.: 0247.84763
For: DOCUMENT SECURITY

DECISION ON PETITION

This decision is issued in response to applicant's "Response to Denial, Renewed Petition to Proceed in Name of Assignee in View of Nonsigning Inventor Pursuant to 37 CFR 1.47(b)" filed 27 January 2011, to accept the application without the signature of sole-inventor, Stephen P. BLACK.

BACKGROUND

On 23 November 2007, applicant filed international application PCT/GB2007/004495. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 26 May 2009.

On 26 May 2009, applicant filed a request for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 03 December 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 02 July 2010, applicant filed a petition under 37 CFR 1.47(b). In a decision dated 27 August 2010, applicant's petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 27 January 2011, applicant filed the present renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

A complete review of the papers filed reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor has refused to execute the application, stated the last known address of the non-signing inventor, provided an acceptable declaration, provided sufficient proof of proprietary interest, and provided a sufficient showing of preservation of right or irreparable damage. Accordingly, all of the requirements of items (1) through (6) above have been satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is GRANTED.

The application will be given an international filing date of 23 November 2007 under 35 U.S.C. 363, and a date of **27 January 2011** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stephen P. BLACK
c/o Sandison & Co Chartered Accountants
Church End Court
Upton upon Severn
Worcestershire WR8 0RE

MAILED

MAR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
BLACK, Stephen Paul
U.S. Application No.: 12/516,282
PCT No.: PCT/GB2007/004495
Int. Filing Date: 23 November 2007
Priority Date: 23 November 2006
Attorney Docket No.: 0247.84763
For: DOCUMENT SECURITY

Dear Stephen P. BLACK:

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

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

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

Counsel of Record:
Greer, Burns & Crain
300 S. Wacker Dr.
25th Floor
Chicago IL 60606

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Alexandria, VA 22313-1450
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TED W. WHITLOCK REGISTERED PATENT ATTORNEY, P.A.
5323 SW 38TH AVENUE
FT. LAUDERDALE FL 33314

MAILED
DEC 28 2010
OFFICE OF PETITIONS

In re Application of	:	
Allan S. Kaplan et al.	:	
Application No. 12/516,383	:	DECISION ON PETITION
Filed: May 27, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ABT-071	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 9, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration by inventor Allan S. Kaplan attesting to his age. The above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1613 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

PROSKAUER ROSE LLP
One International Place
Boston MA 02110

MAILED
OCT 12 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	
DJUPESLAND et al	:	DECISION ON
Application No.: 12/516,401	:	
Int. Application: PCT/IB2007/004353	:	
Int. Filing Date: 28 November 2007	:	REQUEST UNDER
Priority Date: 28 November 2006	:	
Attorney's Docket No.: 44508-198	:	
For: DELIVERY DEVICES	:	37 CFR 1.497(d)

This is a decision on applicants' "CORRECTION INVENTORSHIP," filed on 12 July 2010, which is being treated as a request under 37 CFR 1.497(d) to add joint inventor Erik ANDREASSEN, Rune Harald GAARDER, Christophe PERICE, and Andreas NILSSON in the executed declaration.

BACKGROUND

On 28 November 2007, applicant filed international application No. PCT/IB2007/004353, which claims a priority date of 28 November 2006.

On 27 May 2009, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed declaration.

On 10 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 12 July 2010, applicants filed a "CORRECTION OF INVENTORSHIP," which included, *inter alia*, an executed declaration and a request to add co-inventors Erik ANDREASSEN, Rune Harald GAARDER, Christophe PERICE, and Andreas NILSSON, who were not originally listed in the PCT application, as co-inventors in the above-identified patent application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statements submitted by Erik ANDREASSEN, Rune Harald GAARDER, Christophe PERICE, and Andreas NILSSON sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been paid.

With respect to item (3), OPTINOSE AS, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

18 AUG 2010

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

PROSKAUER ROSE LLP
One International Place
Boston MA 02110

In re Application of:	:	
DJUPESLAND, Per, Gisle, et al.	:	
U.S. Application No.: 12/516,404	:	DECISION ON REQUEST UNDER
PCT No.: PCT/GB2007/004571	:	37 CFR 1.497(d)
International Filing Date: 28 November 2007	:	
Priority Date: 28 November 2006	:	
Attorney Docket No.: 44508-199	:	
For: NASAL DELIVERY DEVICES	:	

This decision is issued in response to the "Correction Of Inventorship" filed 21 June 2010, treated herein under 37 CFR 1.497(d). Applicants have paid the required $130 processing fee.

BACKGROUND

On 28 November 2007, applicants filed international application PCT/GB2007/004571. The application claimed a priority date of 28 November 2006, and it designated the United States. On 05 June 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 May 2009. The published international application identified two applicant/inventors for the United States: Per Gisle DJUPESLAND and Colin David SHELDRAKE.

On 27 May 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 19 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/Do/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional claims fees totaling $1,805.

On 21 June 2010, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included a preliminary amendment to reduce the number of claims, payment of additional claims fees and the required surcharge, a declaration executed by the two inventors of record and four additional inventors, and the "Correction Of Inventorship" considered herein under 37 CFR 1.497(d). The request to

correct inventorship seeks to add the four additional inventors listed on the declaration as inventors of record herein and thereby permit acceptance of the declaration under 37 CFR 1.497.

DISCUSSION

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

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

The declaration filed by applicants on 21 June 2010 names an inventive entity different than that set forth in the international application. Specifically, Simon SMITH, Rachel STRIEBIG, Andy PIDGEON, and Tom ST. QUINTIN have been added as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the four inventors to be added, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

CONCLUSION

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

The inventorship of record herein is corrected to add Simon SMITH, Rachel STRIEBIG, Andy PIDGEON, and Tom ST. QUINTIN as additional inventors of record.

Based on the correction of inventorship, the declaration filed on 21 June 2010 is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including

consideration of the preliminary amendment and claims fees submitted by applicants in response to the Notification Of Missing Requirements. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 June 2010.

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

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:	12/516,425	Filing date:	May 27, 2009
First Named Inventor:	Fritz HAKERMANN		
Title of the Invention:	FURNITURE ITEM HAVING A FURNITURE CLOSURE (as amended)		

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/EP2007/010038

The international filing date of the corresponding PCT application(s) is/are: November 28, 2006

I. List of Required Documents:

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

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

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

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/516,425
First Named Inventor:	Fritz HAKERMANN

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 6, 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 August 6, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-33	1-33	substantially identical (see Second Preliminary Amendment
		submitted herewith for details)

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

Signature /Allen S. Melser/	Date Dec. 21, 2010
Name (Print/Typed) Allen S. Melser	Registration Number 27,215

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference H 858	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2007/010038	International filing date *(day/month/year)* 20 November 2007 (20.11.2007)	Priority date *(day/month/year)* 28 November 2006 (28.11.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HAKEMANN, Fritz		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

   - [x] Box No. I — Basis of the report
   - [ ] Box No. II — Priority
   - [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - [ ] Box No. IV — Lack of unity of invention
   - [x] Box No. V — Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - [ ] Box No. VI — Certain documents cited
   - [x] Box No. VII — Certain defects in the international application
   - [x] Box No. VIII — Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 03 June 2009 (03.06.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yolaine Cussac e-mail: pt05.pct@wipo.int

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

Absender: INTERNATIONALE RECHERCHENBEHÖRDE

An:

siehe Formular PCT/ISA/220

PCT

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHENBEHÖRDE

(Regel 43*bis*.1 PCT)

Absendedatum *(Tag/Monat/Jahr)* 210 (Blatt 2)	siehe Formular PCT/ISA/
Aktenzeichen des Anmelders oder Anwalts siehe Formular PCT/ISA/220	**WEITERES VORGEHEN** siehe Punkt 2 unten

Internationales Aktenzeichen	Internationales Anmeldedatum *(Tag/Monat/Jahr)*	Prioritätsdatum *(Tag/Monat/Jahr)*
PCT/EP2007/010038	20.11.2007	28.11.2006

Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC
INV. E05B65/00 E05C3/12 F25D23/02

Anmelder
HAKEMANN, Fritz

1. Dieser Bescheid enthält Angaben zu folgenden Punkten:

- ☒ Feld Nr. I — Grundlage des Bescheids
- ☐ Feld Nr. II — Priorität
- ☐ Feld Nr. III — Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
- ☐ Feld Nr. IV — Mangelnde Einheitlichkeit der Erfindung
- ☒ Feld Nr. V — Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
- ☐ Feld Nr. VI — Bestimmte angeführte Unterlagen
- ☒ Feld Nr. VII — Bestimmte Mängel der internationalen Anmeldung
- ☒ Feld Nr. VIII — Bestimmte Bemerkungen zur internationalen Anmeldung

2. **WEITERES VORGEHEN**

Wird ein Antrag auf internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1*bis* b) mitgeteilt hat, dass schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden.

Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so ist der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen.

Weitere Optionen siehe Formblatt PCT/ISA/220.

3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der Internationalen Recherchenbehörde	Datum der Fertigstellung dieses Bescheids	Bevollmächtigter Bediensteter
Europäisches Patentamt D-80298 München Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	siehe Formular PCT/ISA/210	WAGNER, A Tel. +49 89 2399-8128

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen
PCT/EP2007/010038

Feld Nr. I Grundlage des Bescheids

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der internationalen Recherche eingereicht worden ist (Regeln 12.3 a) und 23.1 b)).

2. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 43bis.1 a)).

3. Hinsichtlich der **Nucleotid- und/oder Aminosäuresequenz**, die in der internationalen Anmeldung offenbart wurde und für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt worden:

   a. Art des Materials:

   ☐ Sequenzprotokoll

   ☐ Tabelle(n) zum Sequenzprotokoll

   b. Form des Materials:

   ☐ in Papierform

   ☐ in elektronischer Form

   c. Zeitpunkt der Einreichung:

   ☐ in der eingereichten internationalen Anmeldung enthalten

   ☐ zusammen mit der internationalen Anmeldung in elektronischer Form eingereicht

   ☐ bei der Behörde nachträglich für die Zwecke der Recherche eingereicht

4. ☐ Wurden mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle eingereicht, so sind zusätzlich die erforderlichen Erklärungen, dass die Information in den nachgereichten oder zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt bzw. nicht über sie hinausgeht, vorgelegt worden.

5. Zusätzliche Bemerkungen:

Feld Nr. V Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit	Ja:	Ansprüche 1-33
	Nein:	Ansprüche
Erfinderische Tätigkeit	Ja:	Ansprüche 1-33
	Nein:	Ansprüche
Gewerbliche Anwendbarkeit	Ja:	Ansprüche: 1-33
	Nein:	Ansprüche:

2. Unterlagen und Erklärungen:

siehe Beiblatt

Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung

Es wurde festgestellt, dass die internationale Anmeldung nach Form oder Inhalt folgende Mängel aufweist:

siehe Beiblatt

Feld Nr. VIII Bestimmte Bemerkungen zur internationalen Anmeldung

Zur Klarheit der Patentansprüche, der Beschreibung und der Zeichnungen oder zu der Frage, ob die Ansprüche in vollem Umfang durch die Beschreibung gestützt werden, ist folgendes zu bemerken:

siehe Beiblatt

Zu Punkt V.

1 Es wird auf die folgenden Dokumente verwiesen:

D1 : FR 2 336 859 A (BOSCH SIEMENS HAUSG.) 22. Juli 1977 (1977-07-22)
D2 : FR 2 630 489 A1 (ELECTROLUX AB [SE]) 27. Oktober 1989 (1989-10-27)
D3 : DE 82 20 662 U1 (LICENTIA PATENT-V.) 28. Oktober 1982 (1982-10-28)
D4 : FR 2 623 779 A1 (NIFCO INC [JP]) 2. Juni 1989 (1989-06-02)
D5 : DE 101 54 934 A1 (BSH BOSCH SIEMENS H.) 22. Mai 2003 (2003-05-22)
D6 : WO 2006/068629 A (VESTEL BEYAZ ESYA ...) 29. Juni 2006 (2006-06-29)

2 Das Dokument D1 oder D2 kann als nächstliegender Stand der Technik angesehen werden und zeigt einen Möbelverschluss nach dem Oberbegriff des Anspruchs 1. Der Gegenstand des Anspruchs 1 unterscheidet sich von dem in diesen Druckschrift en gezeigten Möbelverschluss durch die kennzeichnenden Merkmale des Anspruchs 1.

2.1 Der Gegenstand des Anspruchs 1 ist somit neu (Artikel 33 (2) PCT).
Die mit der vorliegenden Erfindung zu lösende Aufgabe kann somit darin gesehen werden, einen Möbelverschluss zu schaffen, welcher bei einer besonders einfachen Konstruktion und Herstellung ein dichtes, gesichertes Verschließen sowie ein leichtes Öffnen von Türen, Klappen und Schubladen gewährleistet.

2.2 Die in Anspruch 1 der vorliegenden Anmeldung für diese Aufgabe vorgeschlagene Lösung beruht aus den folgenden Gründen auf einer erfinderischen Tätigkeit (Artikel 33(3) PCT):
Es konnte im zugänglichen Stand der Technik kein Möbelverschluss ermitteltwerden, der in einfacher Weise eine Profilschiene mit einer Dichtung und einem Verriegelungselement kombiniert.

2.3 Die Ansprüche 2-33 sind vom Anspruch 1 abhängig und erfüllen damit ebenfalls die Erfordernisse des PCT in bezug auf Neuheit und erfinderische Tätigkeit.

3 Die gewerbliche Anwendbarkeit der beanspruchten Erfindung ist offensichtlich (Artikels 33(4) PCT).
Die Anforderungen des Artikels 33(1) bis (4) PCT sind damit erfüllt.

Zu Punkt VII.

4 Es fehlt in der Beschreibung ein Zitat einer Druckschrift, die den nächsten Stand der Technik zeigt.

Zu Punkt VIII.

5 Klarheit
Die Anmeldung erfüllt nicht die Erfordernisse des *Artikels 6 PCT*, weil der Ansprüche 1 bis 33 nicht klar sind.

5.1 Der Gegenstand des Anspruchs 1 ist auf einen Möbelverschluss ausgerichtet. Die kennzeichnenden Merkmale, daß "*die Tür, Klappe oder Frontplatte (3) in einem **oberen Bereich** eine Profilschiene (5) aufweist, welche mit einer Dichtung (6) und einem Verriegelungselement (7) versehen und aus einer Schließstellung in eine Öffnungsstellung und umgekehrt verstellbar ist*" sind keine Merkmale des in der Bezeichnung des Anspruchs 1 angegebenen Möbel**verschluss** für sich allein genommen. Diese Merkmale definieren vielmehr die Beziehung, des Verschlusses zum Möbel.
Im Anspruch 3 "*... an den Gegenflächen (13) des Möbels (11) anliegt ...*", Anspruch 6 "*... an der Tür, Klappe oder Frontplatte (3) der Schublade (2) befestigt ist ...*", sowie im Anspruch 11 "*... über die Breite der Tür, Klappe oder Frontplatte (3) der Schublade (2) reichen und Dichtungen (6) auch an den übrigen Seiten der Tür, Klappe oder Frontplatte angeordnet sind ...*" werden weitere Ausführungsbeispiele des Gegenstands gemäß Anspruch 1 ebenfalls durch ihre Beziehung zum Möbel definiert.

5.2 Die Ansprüche entsprechen deshalb nicht dem *Artikel 6 PCT im Sinne der PCT*

Richtlinien 5.37 mangels Klarheit des beanspruchten Gegenstands.

5.3 Zur Klarstellung sollten die Ansprüche 1 bis 33 auf die Kombination von Möbel und Möbelverschluss ausgerichtet werden, d.h. auf ein "Möbel mit einem Möbelverschluss für Türen, Klappen ...".

6 Abhängige Ansprüche

Der Rückbezug einiger abhängiger Ansprüche ist nicht korrekt *(Artikel 6 PCT).*

Die Ansprüche 19 und 20 beziehen sich auf "das Sicherungselement (9)", welches aber erst im Anspruch 18 definiert wird.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference H 858	**FOR FURTHER ACTION**	See item 4 below
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   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

   - [x] Box No. I — Basis of the report
   - [ ] Box No. II — Priority
   - [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - [ ] Box No. IV — Lack of unity of invention
   - [x] Box No. V — Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - [ ] Box No. VI — Certain documents cited
   - [x] Box No. VII — Certain defects in the international application
   - [x] Box No. VIII — Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 03 June 2009 (03.06.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yolaine Cussac e-mail: pt05.pct@wipo.int

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2007/010038

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 and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing

   ☐ contained in the international application as filed

   ☐ filed together with the international application in electronic form

   ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2007/010038

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	1-33	YES
	Claims		NO
Inventive step (IS)	Claims	1-33	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-33	YES
	Claims		NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: FR 2 336 859 A (BOSCH SIEMENS HAUSG.) 22 July 1977 (1977-07-22)

D2: FR 2 630 489 A1 (ELECTROLUX AB [SE]) 27 October 1989 (1989-10-27)

D3: DE 82 20 662 U1 (LICENTIA PATENT-V.) 28 October 1982 (1982-10-28)

D4: FR 2 623 779 A1 (NIFCO INC [JP]) 2 June 1989 (1989-06-02)

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D6: WO 2006/068629 A (VESTEL BEYAZ ESYA ...) 29 June 2006 (2006-06-29)

2 Document D1 and D2, which can be considered to be the closest prior art, describe a furniture lock according to the preamble of claim 1. The subject matter of claim 1 differs from the furniture lock described in these documents by virtue of the characterizing features of claim 1.

2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

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

The problem addressed by the present invention can therefore be considered that of providing a furniture lock which, together with a particularly simple design and manufacture, ensures sealed, secure locking and straightforward opening of doors, flaps and drawers.

2.2 The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:
a furniture lock which combines a profile rail with a seal and a locking element in a simple manner could not be determined from the available prior art.

2.3 Claims 2-33 are dependent on claim 1 and as such likewise meet the PCT requirements of novelty and inventive step.

3 The industrial applicability of the claimed invention is obvious (PCT Article 33(4)).
The requirements of PCT Article 33(1) to (4) are therefore met.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2007/010038

Box No. VII **Certain defects in the international application**

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

1 The description does not cite a document which describes the closest prior art.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2007/010038

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:

1 Clarity

The application fails to comply with the requirements of *PCT Article 6* since claims 1 to 33 are unclear.

1.1 The subject matter of claim 1 is directed at a furniture lock. The characterizing features that "*the door, flap or front plate (3) has a profile rail (5) in an* ***upper region****, said profile rail being provided with a seal (6) and a locking element (7) and it being possible to move said profile rail from a closed position to an open position and vice versa*" are not features of the furniture **lock** specified in the wording of claim 1 taken on its own. Rather, these features define the relationship between the lock and the item of furniture.
In claim 3 "... *rests on the opposite surfaces (13) of the item of furniture (11) ...*", claim 6 "... *is fixed to the door, flap or front plate (3) of the drawer (2) ...*", and in claim 11 " ...*extend over the width of the door, flap or front plate (3) of the drawer (2), and seals (6) are also arranged on the other sides of the door, flap or front plate ...*", further embodiments of the subject matter according to claim 1 are likewise defined by their relationship to the item of furniture.

1.2 The claims therefore do not satisfy *PCT Article 6 pursuant to PCT Guideline 5.37* due to a lack of clarity of the claimed subject matter.

Box No. VIII Certain observations on the international application

1.3 For clarification purposes, claims 1 to 33 should be directed at the combination of an item of furniture and a furniture lock, that is to say to an "item of furniture with a furniture lock for doors, flaps ...".

2 Dependent claims

The reference back of some dependent claims is incorrect (*PCT Article 6*).

Claims 19 and 20 concern "the securing element (9)", but this is first defined in claim 18.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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.
12/516,425	05/27/2009	Fritz Hakemann	P73063US0	8090

136 7590 02/23/2011
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER
LUGO, CARLOS

ART UNIT	PAPER NUMBER
3673	

MAIL DATE	DELIVERY MODE
02/23/2011	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

FEB 23 2011

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

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

In re application of Fritz Hakemann Application No. 12/516,425 Filed: May 27, 2009 For: FURNITURE ITEM HAVING A FURNITURE CLOSURE	: : : : : :	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 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 disclose an eligible relationship to one or more PCT applications filed in the KIPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 02/23/11

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 07 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
KOTERA, Takanori, *et al.*	:	
Application No.: 12/516,520	:	DECISION
PCT No.: PCT/JP2007/075405	:	
Int. Filing Date: 27 December 2007	:	ON PETITION UNDER
Priority Date: 28 December 2006	:	
Docket No.: 0425-1334PUS1	:	37 CFR 1.181
For: DETERGENT COMPOSITION	:	

Applicant's Petition Under 37 CFR 1.181 for a corrected Notification of Acceptance, filed in the above-captioned application on 26 January 2010 is **GRANTED**.

The declaration in compliance with 37 CFR 1.497(a)-(b) was furnished on 15 June 2009. All 35 USC 371 requirements were present on 27 August 2010.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 01 December 2009 incorrectly indicated that the declaration and the requirements under 35 USC 371 (c)(1), (c)(2) and (c)(4) were satisfied on 27 May 2009 is **VACATED**. The 01 December 2009 filing receipt is also **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application processing for further action consistent with this decision, including mailing of a corrected Notification of Acceptance and filing receipt reflecting a 35 USC 371(c)(1), (c)(2) and (c)(4) completion date of 15 June 2009.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/516,521	05/27/2009	Shin-ichiro Takahama	03500.148407.	8805

5514 7590 09/15/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
STAPLES, MARK

ART UNIT	PAPER NUMBER
1637	

MAIL DATE	DELIVERY MODE
09/15/2010	PAPER

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1290 Avenue of the Americas
NEW YORK NY 10104-3800

SEP 1 5 2010

In re Application of	:	
TAKAHAMA, SHIN-ICHIRO et. al.	:	DECISION ON REQUEST TO
Application No. 12/516,521	:	PARTICIPATE IN PCT-PATENT
Filed: May 27, 2010	:	PROSECUTION HIGHWAY PILOT
Attorney Docket No. 03500.148407	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed May 10, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is a national stage entry of the corresponding JPO PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s) along with an English translation thereof;
(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application;
(5) Examination of the U.S. application has not begun;
(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof;
(7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications; and
(8) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

31 AUG 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DUANE MORRIS LLP - NY
PATENT DEPARTMENT
1540 BROADWAY
NEW YORK NY 10036-4086

In re Application of	:	DECISION ON RENEWED
LIN et al	:	
Application No: 12/516,531	:	
PCT No.: PCT/US2007/085796	:	
Int. Filing Date: 28 November 2007	:	PETITION UNDER
Priority Date: 28 November 2006	:	
Attorney's Docket No.: N/A	:	
For: PIPING CONNECTOR... CONNECTING PIPE	:	37 CFR 1.47(a)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" submitted on 16 July 2010.

BACKGROUND

The decision by this Office dated 25 May 2010 indicated that requirements (2) and (3) had not been satisfied.

On 16 July 2010, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by all the inventors including co-inventor Lei Zhang.

DISCUSSION

The renewed petition has includes a newly executed declaration signed by all the inventors.

Accordingly, the declaration submitted on 11 June 2010 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

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

2 7 SEP 2010

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P.O. Box 1450
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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of	:	
Iinuma et al.	:	
Application No. 12/516,536	:	
PCT No.: PCT/JP2007/073031	:	
Int. Filing Date: 29 November 2007	:	DECISION
Priority Date: 30 November 2006	:	
Atty. Docket No.: 8279.1375USWO	:	
For: Sustained Release Preparation	:	

This is in response to the declaration filed on 27 May 2009, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 29 November 2007, claimed a priority date of 30 November 2006, and designated the United States. On 05 June 2008, the International Bureau transmitted a copy of the published international application to the USPTO. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 30 May 2009. Applicants filed *inter alia* the basic national fee on 27 May 2009.

DISCUSSION

Inspection of the declaration filed on 27 May 2009 reveals that it indicates that inventor Satoshi Iinuma is deceased. 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Examination of the declaration filed on 27 May 2009 reveals that it has been signed on behalf of Satoshi Iinuma by Yoshie Iinuma in the capacity of "legal representative." The declaration provides residence, citizenship and mailing address information for both Satoshi

Iinuma and Yoshie Iinuma. This declaration is acceptable for purposes of compliance with 37 CFR 1.42 and 37 CFR 1.497(a) and (b).

DECISION

The declaration filed on 27 May 2009 is **ACCEPTED** under 37 CFR 1.42.

This application is being returned to the Office of Patent Application Processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Jefferson IP Law, LLP
1130 Connecticut Ave., NW
Suite 420
Washington DC 20036

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Chul Park et al. :
Application No. 12/516,572 :
Filed: May 28, 2009 :
Attorney Docket No. 0204-0084 :

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed May 27, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 28, 2011. A Notice of Abandonment was mailed on September 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

The Lubrizol Corporation
29400 Lakeland Blvd.
Wickliffe OH 44092-2298

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of :
Ikeda et al. :
Application No. 12/516,650 : DECISION ON PETITION
Filed: January 12, 2010 :
Attorney Docket No. 3518-01 :

This is a decision on the petition, filed January 5, 2012, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed June 3, 2011, which set a three (3) month shortened statutory period for reply. The Office contended the application became abandoned on September 4, 2011. A Notice of Abandonment was mailed on December 14, 2011.

Petitioners assert that the non-final Office action dated June 3, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

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

This application is being referred to the Technology Center technical support staff of Art Unit 1774 for re-mailing the non-final Office action of June 3, 2011. The period for reply will run from the mailing date of the Office action.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/516,687	05/28/2009	Andreas Westenberger	AIRBUS 3.3-119	1067

530 7590 02/17/2012
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
HUSON, JOSHUA DANIEL

ART UNIT	PAPER NUMBER
3644	

MAIL DATE	DELIVERY MODE
02/17/2012	PAPER

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

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

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

Applicant: Westenberger
Appl. No.: 12/516,687
Filing Date: May 28, 2009
Title: PROPULSION DEVICE FOR OPERATION WITH A PLURALITY OF FUELS FOR AN AIRCRAFT
Attorney Docket No.: AIRBUS 3.3-119
Pub. No.: US 2010/0072318 A1
Pub. Date: March 25, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 24, 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**. In addition, the applicant did not provide a copy of the application papers for publication purposes. 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

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VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael Mackert	:	
Application No. 12/516,704	:	NOTICE
Filed: zjsnusty 29, 2010	:	
Attorney Docket No. **MOS01 P-162**	:	

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

MAILED
AUG 19 2011
OFFICE OF PETITIONS

Applicants: Bussolino, et al.
Appl. No.: 12/516,896
International Filing Date: November 30, 2007
Title: METASTASIS-SPECIFIC PEPTIDES AND THEIR DIAGNOSTIC AND THERAPEUTIC APPLICATIONS
Attorney Docket: 2923-965
Pub. No.: US 2010/0210563 A2
Pub. Date: August 19, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 18, 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

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HOXIE & ASSOCIATES LLC
75 MAIN STREET, SUITE 301
MILLBURN, NJ 07041

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of Assaoui et al. :
Application No. 12/517,010 :
371(c) Date: May 29, 2009 :
Attorney Docket No. AC-77-US :

DECISION ON PETITION

This is in response to the "Request for Recalculation of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705" filed December 30, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(b) requesting the initial determination of patent term adjustment be corrected from three hundred twenty-four (324) days to three hundred twenty-seven (327) days.

The petition is **dismissed**.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) on September 30, 2011, advising Applicants of a patent term adjustment to date of 324 days. In response, Applicants timely filed this petition with the issue fee on December 30, 2011.

The petition appears to assert the 14-month time period in 37 C.F.R. § 1.703(a)(1) should be based on the date of receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) requirements rather than the date of completion of all 35 U.S.C. § 371 requirements.

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment of patent term due to examination delay includes, with emphasis added:

> The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) *or fulfilled the requirements of 35 U.S.C. 371* and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

The date the application fulfills the requirements of 35 U.S.C. § 371 is the date the application fulfills *all* the requirements of 35 U.S.C. § 371. The date the instant application fulfilled all requirements under 35 U.S.C. § 371 is June 1, 2009, not May 29, 2009.

The Office notes, *if* Applicants had expressly requested the Office begin national examination procedures pursuant to 35 U.S.C. § 371(f) when filing papers on May 29, 2009, the date of completion of all requirements under 35 U.S.C. § 371 would be May 29, 2009.

In view of the prior discussion, the initial patent term adjustment remains 324 days.

The required $200 fee set forth in 37 C.F.R. § 1.18(e) has been charged to Deposit Account No. 50-4255 as authorized in the petition.

Applicants are reminded any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 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.

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 specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of :
Young-Ho Shin et al. :
Application No. 12/517,012 : ON PETITION
Filed: May 29, 2009 :
Attorney Docket No. **SUN0222US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed November 29, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 1, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $930; 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 JoAnne Burke at 571-272-4584

This application is being referred to the Office of Data Management for appropriate action in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Jaegyoo Jang
Cantor Colburn LLP
1800 Diagonal Road, Suite 510
Alexandria, VA 22314

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1940 Duke Street
Alexandria, VA 22314

MAILED

APR 07 2011

PCT LEGAL ADMINISTRATION

In re Application of
ATSUHIRO *et al*
U.S. Application No.: 12/517,075
PCT No.: PCT/JP2007/073066
Int. Filing Date: 29 November 2007
Priority Date: 01 December 2006
Attorney Docket No.: 342490US0X PCT
For: RELEASABLE ADHESIVE SHEET

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the petition under 37 CFR 1.497(d) filed 04 March 2010.

BACKGROUND

On 01 June 2009, applicants filed papers to enter the national stage of PCT/JP2007/073066.

On 04 March 2010, applicants filed the subject request to correct the inventorship under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration executed by five inventors, a statement from three inventors being added, a $130.00 processing fee, and a supplemental ADS.

DISCUSSION

Applicants request to add Fumio HAYAKAWA, Naoki KUBOTA and Katsuhiko IKEDA as inventors in the above-captioned national stage application.

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without

deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Items (1) and (2) of 37 CFR 1.497(d) are satisfied in the subject petition.

With regards to item (3) of 37 CFR 1.497(d), applicants claim that the written consent of the assignee is not required as an assignment was not previously executed by the originally named inventors. However, a review of the application shows that an assignment was executed by all the inventors on 05 November 2009. Since the originally named inventors executed an assignment prior to filing the petition, the written consent of the assignee is required. *See* Reel/Frame 024029/0165.

Item (3) of 37 CFR 1.497(d) is not satisfied.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22314

MAILED
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PCT LEGAL ADMINISTRATION

In re Application of :
ATSUHIRO *et al* :
U.S. Application No.: 12/517,075 :
PCT No.: PCT/JP2007/073066 :
Int. Filing Date: 29 November 2007 :
Priority Date: 01 December 2006 :
Attorney Docket No.: 342490US0X PCT :
For: RELEASABLE ADHESIVE SHEET :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 07 July 2011.

BACKGROUND

On 07 April 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 07 July 2011, applicants filed the subject response which was accompanied by, *inter alia*, a one-month extension fee of $130.00, and a statement of consent by each of the two assignees.

DISCUSSION

Applicants request to add Fumio HAYAKAWA, Naoki KUBOTA and Katsuhiko IKEDA as inventors; however, applicants failed to provide the written consent of the assignee in the initial petition. As such, the petition under 37 CFR 1.497(d) was dismissed.

In the renewed response, applicants provided the written consent of the assignee Honda Motor Company, Ltd. and the assignee, Lintec Corporation. The reel and frame number of the assignment was listed in both consent statements. Moreover, the person signing each consent statement confirms that they have the authority to sign for the organization. This is sufficient. *See* MPEP § 324(V)(B). Item (3) of 37 CFR 1.497(d) is complete.

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

CONCLUSION

Applicants' renewed request to add Fumio HAYAKAWA, Naoki KUBOTA and Katsuhiko IKEDA as inventors pursuant to 37 CFR 1.497(d) is hereby **GRANTED**.

The declaration filed 04 March 2010 is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Sofer & Haroun LLP
317 Madison Avenue, Suite 910
New York, NY 10017

MAILED
MAR 19 2012
PCT LEGAL ADMINISTRATION

In re Application of: KARLSEN et al.	:	
Application No.: 12/517,083	:	
PCT No.: PCT/IB2007/055401	:	DECISION ON PETITION
Int. Filing: 17 December 2007	:	
Priority Date: 19 December 2006	:	
Attorney Docket No.: 979-449	:	
For: CONNECTOR ASSEMBLY	:	

This decision is issued in response to applicants' "Petition for Withdrawal of Holding of Abandonment" dated 08 March 2012, treated herein as a petition under 37 CFR 1.181.

The petition under 37 CFR 1.181 is GRANTED and the Notification of Abandonment is hereby withdrawn and vacated.

The above-identified application became abandoned for failure to provide the $130 surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h). A Notification of Abandonment (Form DO/EO/909 was mailed on 01 March 2012.

On 08 March 2012, applicants filed the response considered herein. Applicant states in the present petition that the $130 surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) was received at the United States Patent and Trademark Office on 09 March 2010. A review of finance records reveals that the $130 surcharge has been submitted, therefore, the Notification of Abandonment (PCT/EO/909) was mailed in error.

As stated above, the Notification of Abandonment is hereby withdrawn and vacated.

This application is being referred to DO/EO/US for further processing in accordance with this decision.

Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MILBANK, TWEED, HADLEY & MCCLOY LLP
INTERNATIONAL SQUARE BUILDING
1850 K. STREET, N.W., SUITE 1100
WASHINGTON, DC 20006

MAILED
JAN 3 1 2011
OFFICE OF PETITIONS

Applicants: Polmlof
Appl. No.: 12/517,103
International Filing Date: November 21, 2007
Title: MULTIMODAL POLYETHYLENE RESIN FOR PIPE MADE BY A SINGLE-SITE CATALYST
Attorney Docket: 37488.02800
Pub. No.: US 2010/0075087 A1
Pub. Date: March 25, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 25, 2010, for the above-identified application.

The request is granted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,104	06/01/2009	Donald Bernard Bivens	FL1210USPCT	4082

23906 7590 04/26/2011
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER
HARDEE, JOHN R

ART UNIT	PAPER NUMBER
1761	

NOTIFICATION DATE	DELIVERY MODE
04/26/2011	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):

PTO-Legal.PRC@usa.dupont.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

wk

Mailed : 4/26/11

In re Application of	:	DECISION ON
Bivens	:	PETITION
Serial No. 12/517,104	:	
Filed: December 18, 2007	:	
For: **Pentafluoroethane, Tetrafluoroethane and Hydrocarbon Compositions**		

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on December 17, 2010. Applicants submit that by virtue of amendment or dependency, each of the claims in the application should be fully included in the group selected for examination in the application as sharing the common technical feature of that group.

The Examiner on May 20, 2010 made a restriction requirement for claims 1-14 under lack of unity. Group I, claims 1-14, were drawn to a compositions which contain 1,1,1,2,3,3,3-heptafluoropropane and Group II, claims 1-14, drawn to compositions which do not contain 1,1,1,2,3,3,3-heptafluoropropane. The Examiner determined that the groups of inventions did not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Any feature which unities the inventions fails to make a contribution over the prior art in view of the references marked "X" in the PCT search report. The Examiner further advised Applicant that the reply to this requirement must include an election of a species or invention to be examined and identification of the claims encompassing the elected invention. The Examiner requested that should applicant traverse on the grounds that the inventions have unity of invention (37 CFR 1.475(a)), Applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence not of record showing the inventions to be obvious variants or clearly admit on the record that this is the case.

Applicant responded on June 18, 2010. Applicant elected Group II (claims 1, 2, 3, 4, 9, 10, 11, 12 and 14) which do not require the presence of 1,1,1,2,3,3,3-heptafluoropropane. New claims 15-20 were added to address certain embodiments involving 1,1,1,2,3,3,3-heptafluoropropane. .Applicant noted that the claims of the application requiring the presence of 1,1,1,2,3,3,3-heptafluoropropane were all dependent claims and submitted that the unifying feature of each of these claims with a corresponding claim that does not require the presence of 1,1,1,2,3,3,3-heptafluoropropane was simply recited in a claim from which each of these claims directly or indirectly depended. Applicant further submitted that consideration of whether

or not particular claims are inventive is a matter for substantive examination rather than restriction and that under unity of invention the Examiner should not avoid examining at least one supplemental claim that adds another feature (the presence of 1,1,1,2,3,3,3-heptafluoropropane) to a main claim thought by the Examiner to be unpatentable over art, even if the supplemental claim provides a further inventive concept.

Applicant's Amendment of November 11, 2010 cancelled claims 5,15,16,17, 19 and 20 and amended claims 1,6,12 and 13 and claims 21-26 were added. Claim 1, which had been rejected, was amended to include 1,1,1,2,3,3,3-heptafluoropropane as a component. Applicant asserts that reciting an additional component for a composition now in amended claim 1, represented a simple instance of combination/subcombination narrowing of scope and this should not properly form a basis for unity of invention restriction. Applicant requested that claims including 1,1,1,2,3,3,3-heptafluoropropane as an additional limitation be rejoined and examined. .

The Examiner in the Office Action of November 24, 2010 indicated claims 12 and 21-23 as allowed and claims 1-4, 6-11, 13, 14, 18 and 21-25 were indicated as withdrawn from consideration. Claim 26 was not specifically addressed but depends from withdrawn claim 13. The Examiner stated that Applicant elected compositions which do not comprise 1,1,1,2,3,3,3-heptafluoropropane; that such compositions comprise a separate Unity of Invention; that combination/subcombination arguments do not apply under Unity of Invention practice and that azeotropes are separately patentable such that claim 13 would require an additional search, thereby burdening the Examiner.

Withdrawn claims 13,18 and 23 depend from allowed claim 12 and withdrawn claims 24-26 depend from claim 13. Withdrawn claims 2-4 and 6-11 depend from claim 1. Applicant notes that the combination addressed by claims includes the technical feature of claim 12. Subject to Rule 13.1 it shall be permitted to include dependent claims claiming specific forms of the invention claimed in an independent claim.

PCT RULE 13.1. provides that the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

PCT RULE 13.2. states that where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

PCT RULE 13.4 further provides that subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

Applicant references MPEP 1850 which Applicant submits inter alia that if a main claim is held to lack novelty and inventive step, there may be a unity consideration between two or more dependent claims without a single inventive concept. Applicant asserts that the claims of this application requiring the presence of 1,1,1,2,3,3,3-heptafluoropropane are all dependent claims and submits that the unifying feature of each of these claims with a corresponding claim that does not require the presence of 1,1,1,2,3,3,3-heptafluoroprpane is simply recited in a claim from which each of these claims directly or indirectly depends .

Applicant submits that the test for unity is not whether a separate technical feature is presented, but whether there is a common technical feature. (PCT Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).

If an examiner (1) determines that the claims lack unity of invention and (2) requires election of a single invention, when all of the claims drawn to the elected invention are allowable (i.e., meet the requirements of 35 U.S.C. 101, 102, 103 and 112), the nonelected invention(s) should be considered for rejoinder.

DECISION

The petition is **GRANTED.**

The restriction requirement is withdrawn. The Examiner is directed to issue an action on all the claims and to withdraw the Quayle action.

__/Yvonne Eyler/
Director, Technology Center 1700_____

Yvonne L. Eyler, Director
Technology Center 1700
Chemical and Materials Engineering

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

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference CPL004PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/IB2007/003646	International filing date *(day/month/year)* 26 November 2007 (26.11.2007)	Priority date *(day/month/year)* 30 November 2006 (30.11.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant POPOVICH, Milan, Momcilo		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

   - [x] Box No. I — Basis of the report
   - [ ] Box No. II — Priority
   - [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - [ ] Box No. IV — Lack of unity of invention
   - [x] Box No. V — Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - [ ] Box No. VI — Certain documents cited
   - [ ] Box No. VII — Certain defects in the international application
   - [ ] Box No. VIII — Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 03 June 2009 (03.06.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Cecile Chatel e-mail: ro.ib@wipo.int

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/IB2007/003646	26.11.2007	30.11.2006

International Patent Classification (IPC) or both national classification and IPC
INV. G02B17/04 G02B17/08 G02B25/04

Applicant
POPOVICH, Milan Momcilo

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	see form PCT/ISA/210	Andreassen, Jon Telephone No. +49 30 25901-636

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2007/003646

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-16
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-16
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	

2. Citations and explanations

see separate sheet

1. Reference is made to the following documents:

   D1: US-A1-4892399
   D2: WO-A1-00/41024
   D3: WO-A1-2005/109071

2. Novelty and Inventive Step

   The subject matter of claims 1-16 seems to be novel and inventive in the sense of Articles 33(2) and 33(3) PCT.

- The closest documents to the application found in a search of the prior art, namely: D1 (the whole application); D2 (fig.19, example 8; pages 18,19) and D3 (the whole application) do not directly disclose the contents of the claims and may not be combined in an obvious way so as to render the claims non-inventive.

3. Clarity

   The application does not meet the requirements of Article 6 PCT, because claims 1,9 and 10 are not clear.

   3.1 Although claims 1,9 and 10 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 ..and/or.. in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

4. Comments

   4.1 Independent claims 1,9 and 10 are not in the two-part form in accordance

with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art 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).

4.2 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

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:	12/517,129	Filing date:	June 1, 2009
First Named Inventor:	Milan Momcilo Popovich		
Title of the Invention:	WIDE ANGLE DISPLAY DEVICE		

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

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/IB2007/003646

The international filing date of the corresponding PCT application(s) is/are: November 26, 2007

I. List of Required Documents:

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

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

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

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/517,129
First Named Inventor:	

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 18, 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 August 18, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-16	1-16	Identical

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

Signature /John E. Nemazi/	Date April 16, 2011
Name (Print/Typed) John E. Nemzi	Registration Number 30876

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
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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.
12/517,129	06/01/2009	Milan Momcilo Popovich	CRPH0101PUSA	4288

22045 7590 05/03/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
SHAFER, RICKY D

ART UNIT	PAPER NUMBER
2872	

MAIL DATE	DELIVERY MODE
05/03/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	**: DECISION ON REQUEST TO**
POPVICH et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/517,129	**: PROSECUTION HIGHWAY**
Attorney Docket No.: CRPH0101PUSA	**: PROGRAM AND PETITION**
For: WIDE ANGLE DISPLAY DEVICE	**: 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 18 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

if the latest international work product is not in the English language;

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

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

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

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

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

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

17 AUG 2010

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of	:	DECISION
EDELSON et al.	:	
Application No.: 12/517,149	:	
PCT No.: PCT/US2007/086040	:	
Int. Filing Date: 30 November 2007	:	
Priority Date: 01 December 2006	:	
Attorney Docket No.: 2007339-0074	:	
For: PEPTIDE NANOPARTICLES AND USES	:	
THEREFOR	:	

This decision is in response to applicants' "REQUEST FOR CONFIRMATION THAT SEQUENCE LISTING REQUIREMENTS UNDER 37 CFR 1.821(e) HAVE BEEN FULFILLED, REQUEST FOR WITHDRAWAL OF NOTIFICATION OF DEFECTIVE RESPONSE, REQUEST FOR ISSUANCE OF CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495"which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 07 June 2010.

BACKGROUND

On 30 November 2007, applicants filed international application PCT/US2007/086040 which designated the US and claimed a priority date of 01 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 20 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 June 2009.

On 01 June 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 28 September 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required as was compliance with the sequence rules, 37 CFR §§ 1.821-1.825.

On 01 March 2010, applicants filed a response via EFS-Web including, *inter alia*, a petition/fee for a three-month extension of time, a preliminary amendment to the specification, a Sequence Listing (Text File), and a declaration of inventors.

On 04 March 2010, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the statement required by 37 CFR 1.821(e) had not been provided and that a copy of the Sequence Listing in computer readable form, as also required by 37 CFR 1.821(e) had not been provided.

On 01 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 01 March 2010 and a 35 U.S.C. 371 date of 01 March 2010.

On 07 June 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests (1) confirmation that sequence listing requirements under 37 CFR 1.821(e) have been fulfilled, (2) withdrawal of the NOTIFICATION OF DEFECTIVE RESPONSE mailed 04 March 2010, and (3) issuance of a corrected NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495.

As to (1), the sequence listing requirements under 37 CFR 1.821(e) were fulfilled as of 01 March 2010.

As to (2), the NOTIFICATION OF DEFECTIVE RESPONSE issued 04 March 2010 was in error since, as indicated above, the sequence listing requirements under 37 CFR 1.821(e) were fulfilled as of 01 March 2010.

As to (3), the NOTICE OF ACCEPTANCE OF APPLICATION issued 01 April 2010 is incorrect in indicating as items received a "Biochemical Sequence Diskette filed on 03/12/2010" and a "Biochemical Sequence Listing filed on 03/12/2010". As indicated above, a Sequence Listing (Text File) was filed on 01 March 2010. (An entry was made in the electronic file by the USPTO on 12 March 2010 that this Sequence Listing was accepted.) Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 01 April 2010 is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE OF APPLICATION issued 01 April 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating that a Sequence Listing in the form of a text file was received by the USPTO on 01 March 2010. (All other entries on the NOTIFICATION will remain the same as in the NOTIFICATION OF ACCEPTANCE OF APPLICATION mailed 01 April 2010 including the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates.)

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

2 AUG 2010

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of:	:	
OGAWA, Junji	:	
U.S. Application No.: 12/517,214	:	DECISION REGARDING
PCT No.: PCT/JP2007/070020	:	RENEWED SUBMISSION UNDER
Int. Filing Date: 05 October 2007	:	37 CFR 1.42
Priority Date: 07 December 2006	:	
Attorney's Docket No.: OGAW3008/GAL	:	
For: WORKING MACHINE WITH	:	
TELESCOPIC BOOM UNIT	:	

This decision is issued in response to the "New Submission Under 37 CFR 1.42" filed on 01 February 2010. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 17 December 2009. The decision dismissed without prejudice applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Junji OGAWA. Specifically, the decision indicated that the declaration executed on behalf of the deceased inventor by the deceased inventor's legal representative did not include all required information.

On 01 February 2010, applicant filed the "New Submission Under 37 CFR 1.42" considered herein, accompanied by a revised declaration executed on behalf of the deceased inventor.

DISCUSSION

The revised declaration filed 01 February 2010 is executed on behalf of deceased sole inventor Junji OGAWA by Noriyo Ogawa, who is expressly identified on the declaration as the legal representative of the deceased inventor. The revised declaration also clearly indicates the citizenship of the deceased inventor and the legal representative, as well as the legal representative's residence, and mailing address.

In view of the above, the revised declaration filed 01 February 2010 is acceptable under 37 CFR 1.42 and 1.497.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Junji OGAWA is **GRANTED**.

Deposit Account No. 02-0200 will be charged the small entity surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 February 2010.

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

17 AUG 2010

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	
AMANO et al.	:	DECISION ON
Application No.: 12/517,219	:	
PCT No.: PCT/US2007/085041	:	PAPERS
Int. Filing Date: 19 November 2007	:	
Priority Date: 06 December 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 62511US006	:	
For: FRESNEL LENS	:	

This is a decision on the renewed request under 37 CFR 1.42 filed by applicants on 13 July 2010.

BACKGROUND

On 19 November 2007, applicants filed international application PCT/US2007/085041 which claimed a priority date of 06 December 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 June 2009.

On 02 June 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 28 September 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 November 2009, applicants filed a submission which included a declaration of inventors. The indication in the declaration that inventor Takashi AMANO is deceased was properly treated as a request for status under 37 CFR 1.42.

On 20 January 2010, a decision was issued refusing applicants' request under 37 CFR 1.42.

On 18 March 2010, applicants filed a renewed submission under 37 CFR 1.42 which included a new declaration of inventors.

On 13 April 2010, a decision was issued refusing applicants' renewed request under 37 CFR 1.42.

On 08 June 2010, applicants filed a renewed request under 37 CFR 1.42 which was accompanied by a new declaration of inventors.

On 22 June 2010, a decision was issued refusing applicants' renewed request under 37 CFR 1.42. Specifically, the decision indicated that the declaration of inventors was improper because it had been amended and that a supplemental declaration including all of the information in the declaration of inventors filed 18 March 2010 in addition to the mailing address of the legal representative and signed by the legal representative alone was required.

On 13 July 2010, applicants filed the instant renewed request under 37 CFR 1.42 which was accompanied by two new declarations of inventors.

DISCUSSION

The submission filed 13 July 2010 has been reviewed and has been found in compliance with 37 CFR 1.42. The declarations filed 13 July 2010 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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07 SEP 2010

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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996

In re Application of: STERN, Eric, et al. U.S. Application No.: 12/517,230 PCT No.: PCT/US2007/024958 International Filing Date: 06 December 2007 Priority Date: 06 December 2006 Attorney Docket No.: 47162-5032-00-US For: SYSTEMS AND METHODS FOR CMOSPCOMPATIBLE SILICON NANO-WIRE SENSORS WITH BIOCHEMICAL AND CELLULAR INTERFACES	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the materials filed by applicants on 01 July 2010, treated herein in part as a request to correct inventorship under 37 CFR 1.497(d). Applicants have paid the required $130 processing fee.

BACKGROUND

On 06 December 2007, applicants filed international application PCT/US2007/024958. The application claimed a priority date of 06 December 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 06 June 2009. The published international application identified nine applicant/inventors for the United States.

On 02 June 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 07 December 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration incompliance with 37 CFR 1.497 and additional sequence listing materials.

On 01 July 2010, applicants filed a response to the Notification Of Missing Requirements (with the necessary five-month extension fee). The response included additional sequence listing materials, a declaration that names and is executed by four of the nine inventors of record, and the additional materials considered herein as a request to correct inventorship under 37 CFR 1.497(d).

On 17 August 2010, the DO/EO/US issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were satisfied as of 12 July 2010.

Also on 17 August 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 12 July 2010 and which listed all nine of the applicant/inventors on the international application as applicants herein.

DISCUSSION

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

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

The declaration filed by applicants on 01 July 2010 names an inventive entity different than that set forth in the international application. Specifically, David A. ROUTENBERG, Pauline N. WYREMBAK, Daniel TURNER-EVANS, Andrew D. HAMILTON, and David A. LAVAN have been removed as inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The materials filed by applicants on 01 July 2010 included the required statements of non-deceptive intent from the five persons to be removed as inventors, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d). In view of this correction, the declaration filed 01 July 2010 (which names and is executed by the four remaining inventors of record) may be accepted in compliance with 37 CFR 1.497.

It is noted that the filing of the declaration on 01 July 2010 completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). The 135 U.S.C. 371(c) date of 12 July 2010 set forth on the "Notification Of Acceptance" and filing receipt mailed 17 August 2010 is therefore incorrect. In addition, the filing receipt's inclusion of the five inventors removed pursuant to the present

request under 37 CFR 1.497(d) is also in error. In view of the above, the "Notification Of Acceptance" and filing receipt issued 17 August 2010 are appropriately vacated. A corrected "Notification Of Acceptance" and filing receipt will be issued in due course.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. David A. ROUTENBERG, Pauline N. WYREMBAK, Daniel TURNER-EVANS, Andrew D. HAMILTON, and David A. LAVAN are hereby removed as applicant/inventors.

The remaining applicant/inventors of record are now: Eric STERN, Tarek FAHMY, Mark A. REED, and James F. KLEMIC.

Based on the correction of inventorship, the declaration filed on 01 July 2010 is acceptable in compliance with 37 CFR 1.497(a) and (b).

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 17 August 2010, which incorrectly identified the 35 U.S.C. 371(c) date as 12 July 2010, are hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including updating USPTO records to remove the five applicant/inventors deleted pursuant to the present decision, and issuing a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt that properly identify the remaining applicants of record and identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **01 July 2010**.

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

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GREENBERG TRAURIG, LLP (CHI)
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO IL 60601-1732

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Naughton et al.	:	
Application No. 12/517259	:	
Filing or 371(c) Date: 06/02/2009	:	ON PETITION
Attorney Docket Number:	:	
79749.01US1	:	

This is a decision on the Petition Under 37 CFR 1.137(b), filed August 25, 2011, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 28, 2010. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on March 29, 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 an Amendment is filed with the present petition; (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 2447 for processing of the 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

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Alan C. Entis Ph.D
Intellectual Property Ltd.
Ramat Hachayal
Tel Aviv, 69719
Israel

MAILED

SEP 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Gal Eshed, et al.	:	
Application No. 12/517,261	:	DECISION ON PETITION
Filed: June 2, 2009	:	TO WITHDRAW
Attorney Docket No. C010-P1030-US	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 10, 2010.

The request is **APPROVED**.

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

cc: **Nanomotion Ltd.**
Mordot HaCarmel Industrial Park
Ha Yetsira Street
P.O. Box 623
Yokneam, 20692
Israel

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/517,261	06/02/2009	Gal Eshed	C010-P1030-US

CONFIRMATION NO. 5524

POWER OF ATTORNEY NOTICE

OC000000043324690

85275
Allan C. Entis Ph.D., Intellectual Property Ltd.
6 Raoul Wallenberg Street
Ramat Hachayal
Tel Aviv, 69719
ISRAEL

Date Mailed: 09/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/10/2010.

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

/tsjohnson/

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

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P.O. BOX 1307
PARDES HANNA 37111 IL ISRAEL

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of
Gal Eshed et al.
Application No. 12/517,261
Filed: June 2, 2009
Attorney Docket No. **555.19 09 5 NP US**

DECISION ON PETITION

This is a decision on the paper filed October 2, 2011 which is being treated as a petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181.

The petition to withdraw the holding of abandonment 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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned September 14, 2011 for failure to pay the issue fee in response to the Notice of Allowance mailed on June 13, 2011. Accordingly, the Notice of Abandonment was mailed on September 29, 2011.

Petitioner argues that "the Payment for the Issues Fee and Publication Fee was sent with a credit card document by fax (copy attached) on the 12th of September 2011. Unfortunately the fax as it seems was not received....."

While petitioner's arguments have been considered they are not persuasive. A review of the record reveals that in response to a Notice of Allowance mailed June 13, 2011, the issue fee transmittal was timely submitted on September 12, 2011, however the credit card form submitted for payment of the issue fee was submitted without a signature and neither did the transmittal contain an authorization to charge the issue fee to a deposit account and thus, the application became abandoned.

The issue fee was not timely paid and in view thereof, the showing of record is insufficient to warrant withdrawal of the holding of abandonment.

Additionally, although the petition is signed by Gal Eshed, in view of the assignment and the power of attorney, there is no indication that Gal Eshed is empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[1] or 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally

---

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

[2]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)).

delayed the filing of a petition for revival under 37 CFR 1.137(b).

Petitioner is advised that effective September 26, 2011, the issue fee was set at $1740.00, instead of $1510.00 as was the fee when the Notice of Allowance was mailed. Therefore, the funds submitted ($1510.00 + $300.00) are insufficient for payment of the issue fee and the publication fee.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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SEP 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Yoshihiro Kawabe, et al.	:	
Application No. 12/517,285	:	DECISION GRANTING PETITION
Filed: June 2, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. NNA-386-B	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 1, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[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 3616 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.*

1 - SEP 2010

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Tyco Healthcare Group LP
d/b/a Covidien
555 Long Wharf Drive
Mail Stop 8-N1, Legal Department
New Haven CT 06511

In re Application of	:	DECISION ON
Robert C. Smith	:	
Application No.: 12/517,297	:	
PCT No.: PCT/US2008/000420	:	
Int. Filing Date: 11 January 2008	:	PETITION
Priority Date: 12 January 2007	:	
Attorney's Docket No.: H-US-00561	:	
For: OBTURATOR ASSEMBLY	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION TO CORRECT INTERNATIONAL APPLICATION NUMBER UNDER 37 CFR 1.182" filed on 04 June 2009 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/US2008/00420. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 21-0550.

BACKGROUND

On 11 January 2008, this international application was filed, claiming an earliest priority date of 12 January 2007.

On 02 June 2009, applicant filed via EFS-WEB entry into the national stage in the United States, which was accompanied, inter alia, by the requisite basic national fee as required by 35 U.S.C. 371 (c)(1).

However, the incorrect PCT number was submitted at the time of electronic filing since applicants type in the Electronic Acknowledgement Receipt the international application number (PCT/US09/00420).

On 04 June 2009, petitioner filed a petition under 37 CRF 1.182 requesting a correction as the incorrect pct number was entered into EFS-WEB as PCT/US09/00420 rather than the correct number of **PCT/US08/00420**.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/US09/00420 rather than the correct number PCT/US08/00420.

Petitioner has provided the correct international application number PCT/US08/00420 in the transmittal letter and declaration. Accordingly, there is sufficient evidence that the correct international application PCT number is **PCT/US08/00420**.

Therefore, the petition to accept the correct PCT number of **PCT/US08/00420** for the instant application is granted, and will be reflected in the filing receipt.

DECISION

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

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

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

22 SEP 2010

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24804
DIVERSEY, INC.
8310 16th Street, M/S 509
P.O. Box 902
Sturtevant, WI 53177-0902

In re Application of BRINK *et al* U.S. Application No.: 12/517,345 PCT No.: PCT/US2007/086772 Int. Filing Date: 07 December 2007 Priority Date: 08 December 2006 Docket No.: JD-791B-US For: CLEANING APPARATUS AND METHOD	:	**DECISION**

This is a decision on the renewed request to remove an inventor in the above-captioned application filed on 09 July 2010.

BACKGROUND

On 12 May 2010, a decision dismissing applicant's petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 09 July 2010, applicants filed the subject response which was accompanied by, *inter alia*, a new declaration, and a statement under 37 CFR 3.73(b).

DISCUSSION

As previously stated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Item (3) of 37 CFR 1.497(d) was not satisfied in the initial petition.

Applicants submitted a consent of assignee signed by Mr. Bollis as Attorney for Applicant. However, the consent of the assignee was not accepted as the position of Attorney is not presumed to have authority to sign the statement on behalf of the assignee, and the submission did not set forth that Mr. Bollis is authorized to act on behalf of the assignee.

In the renewed petition, applicants filed a statement under 37 CFR 3.73(b) indicating that Mr. Bollis is authorized to act on behalf of the assignee, Diversey, Inc. This is sufficient to satisfy item (3) of 37 CFR 1.497(d).

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

CONCLUSION

Applicant's renewed request to remove Dale A. GRINSTEAD as an inventor pursuant to 37 CFR 1.497(d) is **GRANTED**.

Applicants also provided a new declaration signed by all five inventors as requested. It is noted, however, that the declaration records the citizenship of Michael HANSCHKE as the United States. The declaration filed 23 December 2009 was changed to indicate that the citizenship of Mr. HANSCHKE was Canadian.

An explanation as to the proper citizenship of Mr. HANSCHKE is requested before the declaration will be accepted.

Applicants have **TWO (2) MONTHS** from the mail date of this decision to respond. Extensions of time may be obtained under 37 CFR 1.136(a). **Failure to respond will result in the abandonment of the application.**

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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PCT LEGAL ADMINISTRATION

24804
DIVERSEY, INC.
8310 16th Street, M/S 509
P.O. Box 902
Sturtevant, WI 53177-0902

In re Application of
BRINK *et al*
U.S. Application No.: 12/517,345
PCT No.: PCT/US2007/086772
Int. Filing Date: 07 December 2007
Priority Date: 08 December 2006
Docket No.: JD-791B-US
For: CLEANING APPARATUS AND METHOD

DECISION

This is a decision on the declaration filed 02 November 2010.

BACKGROUND

On 22 September 2010, a decision granting applicant's petition under 37 CFR 1.497(d) was mailed. However, there was a discrepancy regarding the citizenship of one of the inventors on the declaration. Applicants were given two months to respond with extensions of time available.

On 02 November 2010, applicants filed the subject response which was accompanied by, *inter alia*, an altered declaration.

DISCUSSION

The prior decision noted that the citizenship of co-inventor, Michael W. HANSCHKE was listed in the declaration filed 09 July 2010 as United States. The declaration filed 23 December 2009 listed his citizenship as Canadian. An explanation as to the proper citizenship of Mr. HANSCHKE was requested.

In the subject response, counsel states that "there was a typographical error on the Declaration and Power of Attorney form. Mr. HANSCHKE is a Canadian citizen."

This is an appropriate response.

However, applicants resubmitted the declaration filed 09 July 2010 changing the citizenship of Mr. HANSCHKE from "United States of America" to "CANADA." This change was <u>not</u> initialed by the inventor.

The MPEP states "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant." *See* MPEP § 605.04(a).

CONCLUSION

The declaration for co-inventor Michael W. HANSCHKE is not accepted.

A new declaration in compliance with 37 CFR 1.497(a) and (b) is required.

Applicants have **TWO (2) MONTHS** from the mail date of this decision to respond. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to respond will result in the abandonment of the application.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,407	06/03/2009	Stuart Clewes	920602-109900	7137

23644 7590 07/25/2011
BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO, IL 60690-2786

EXAMINER
NGUYEN, DUNG V

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
07/25/2011	ELECTRONIC

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

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

Patent-ch@btlaw.com

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BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO IL 60690-2786

In re Application of:
CLEWES, STUART, et al
Serial No.: 12/517407
Filed: 06/03/2009
Attorney Docket No. : 920602-109900
Title: GRINDING SURFACES OF WORKPIECES

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 19, 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 UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s) 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 UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,412	06/03/2009	Hidehiro Oba	12699/138	7208

23838 7590 08/24/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
FOLLMAN, BRODIE J

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
08/24/2011	PAPER

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

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

In re application of Oba et al Application No. 12/517,412 Filed: June 03, 2009 For: POWER OUTPUT APPARATUS, HYBRID VEHICLE EQUIPPED WITH POWER OUTPUT APPARATUS, AND CONTROL METHOD OF POWER OUTPUT APPARATUS	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 08, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT.**

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

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

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Notice of Allowance was mailed on August 04, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/23/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,430	06/03/2009	Kenji Katoh	341098US26PCT	7338

22850 7590 03/02/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
2855	

NOTIFICATION DATE	DELIVERY MODE
03/02/2011	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

In re Application of	**: DECISION ON REQUEST TO**
KATOH et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/517,430	**: PROSECUTION HIGHWAY**
Filed: 03 June 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 341098US26PCT	**: TO MAKE SPECIAL UNDER**
For: CATALYST DETERIORATION JUDGMENT DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 19 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

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

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

Regarding requirement 3, pending claims 1 and 11 are considered to have identical scope and both correspond to allowed/patentable JPO claim 1.

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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13 AUG 2010

MICHAEL BEST & FRIEDRICH LLP
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE, SUITE 2000
CHICAGO, IL 60601

In re Application of HEIGL	:	
U.S. Application No.: 12/517,448	:	
PCT Application No.: PCT/US2007/086646	:	
Int. Filing Date: 06 December 2007	:	DECISION
Priority Date Claimed: 06 December 2006	:	
Attorney Docket No.: 018778-9035-01	:	
For: WIRELESS VEHICLE ACCESS CONTROL SYSTEM	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(b) filed on 25 June 2010.

BACKGROUND

On 06 December 2007, applicant filed international application PCT/US2007/086646, which claimed priority of an earlier United States application filed 06 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 June 2009.

On 03 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 February 2010, applicant filed a petition under 37 CFR 1.47(b).

On 28 April 2010, this Office mailed a decision dismissing the 17 February 2010 petition.

On 25 June 2010, applicant filed the instant renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner previously satisfied items (1), (2), and (3) above.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has been provided. However, the person signing the declaration does not have a title which confers presumed authority to sign on behalf of the assignee Braun. See MPEP 324, Section V, "Party Who Must Sign". Petitioner must supply either: (1) a declaration executed by a person with presumed authority to sign on behalf of Braun or (2) a statement by Barry Wolff which indicates that Mr. Wolff is authorized to act on behalf of Braun.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

MPEP 409.03(f) states in relevant part,

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

The petition includes a copy of an employment agreement signed by the inventor in which the inventor agreed to assign inventions to the assignee Braun. Furthermore, the petition is accompanied by the affidavit of Aaron Kiser, the person with firsthand knowledge of the invention being made. Mr. Kiser's affidavit establishes that inventor Keith Heigl made the present invention during his employment with Braun. Therefore, under the conditions of the employment agreement, Braun is the assignee of the present invention.

With regard to item (6) above, an adequate statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has been provided.

CONCLUSION

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

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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TWO PRUDENTIAL PLAZA
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CHICAGO, IL 60601

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In re Application of HEIGL
U.S. Application No.: 12/517,448
PCT Application No.: PCT/US2007/086646
Int. Filing Date: 06 December 2007
Priority Date Claimed: 06 December 2006
Attorney Docket No.: 018778-9035-01
For: WIRELESS VEHICLE ACCESS CONTROL SYSTEM

DECISION

This is in response to applicant's second renewed petition under 37 CFR 1.47(b) filed on 07 October 2010.

BACKGROUND

On 06 December 2007, applicant filed international application PCT/US2007/086646, which claimed priority of an earlier United States application filed 06 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 June 2009.

On 03 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 February 2010, applicant filed a petition under 37 CFR 1.47(b).

On 28 April 2010, this Office mailed a decision dismissing the 17 February 2010 petition.

On 25 June 2010, applicant filed a renewed petition under 37 CFR 1.47(b).

On 13 August 2010, this Office mailed a decision dismissing the 25 June 2010 petition.

On 07 October 2010, applicant filed the instant second renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner previously satisfied items (1), (2), (3), (5), and (6) above.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has been provided. The petition is accompanied by the affidavit of the person who executed the declaration, stating that he has authority to sign on behalf of the assignee Braun.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 06 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 June 2010.

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

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Keith Heigl
6518 W 300 S
Winamac, IN 46996

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of HEIGL
U.S. Application No.: 12/517,448
PCT Application No.: PCT/US2007/086646
Int. Filing Date: 06 December 2007
Priority Date Claimed: 06 December 2006
For: WIRELESS VEHICLE ACCESS CONTROL SYSTEM

Dear Keith Heigl:

You are named as the inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as the inventor.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

MICHAEL BEST & FRIEDRICH LLP
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE, SUITE 2000
CHICAGO, IL 60601
Attorney Docket No.: 018778-9035-01

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

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of :
Andre Burghardt et al. :
Application No. 12/517,481 : DECISION ON PETITION
Filed: June 3, 2009 :
Attorney Docket No. **342365US0PCT** :

This is a decision on the petition under 37 CFR 1.182, filed, June 30, 2011, to change the name of inventor "Denise von Preysing" to – Denise du Fresne von Hohenesche--.

The petition is **GRANTED**.

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

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Data Management for the normal course of business.

JoAnne Burke
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
12/517,481	06/03/2009	1765	1656	342365US0PCT	14	1

CONFIRMATION NO. 7748

CORRECTED FILING RECEIPT

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000048776049

Date Mailed: 07/15/2011

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

Applicant(s)

Andre Burghardt, Konstancin Jeziorna, POLAND;
Maria Teresa Hechavarria Fonseca, Buerstadt, GERMANY;
Karl Haeberle, Speyer, GERMANY;
Oliver Hartz, Limburgerhof, GERMANY;
Marc Rudolf Jung, Worms, GERMANY;
Karl-Heinz Schumacher, Neustadt, GERMANY;
Denise du Fresne von Hohenesche, Mannheim, GERMANY;
Hans-Peter Hentze, Mannheim, GERMANY;

Assignment For Published Patent Application

BASF SE, Ludwigshafen, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 22850

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2007/063683 12/11/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
EUROPEAN PATENT OFFICE (EPO) 06126994.0 12/22/2006

If Required, Foreign Filing License Granted: 12/02/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/517,481**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

MICROCAPSULES COMPRISING COMPOUNDS CONTAINING CARBODIIMIDE GROUPS

Preliminary Class

264

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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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Nilesh Bhandari et al.	:	
Application No. 12/517,487	:	DECISION ON PETITION
Filed: June 3, 2009	:	TO WITHDRAW
Attorney Docket No. SMC-PT015	:	FROM RECORD
	:	

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

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 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
Alexandria, VA 22313-1450
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06 AUG 2010

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

In re Application of	:	
JOCHELSON, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/517,507	:	
PCT No.: PCT/US2007/086682	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 06 December 2007	:	
Priority Date: 06 December 2006	:	
Atty Docket No.: SOMX.054NP	:	
For: COMBINATION THERAPY USING LOW-DOSE DOXEPIN FOR THE IMPROVEMENT OF SLEEP	:	

This decision is in response to applicant's request to correct inventorship under 37 C.F.R. § 1.497(d) filed 03 May 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 06 December 2007, applicant filed international application PCT/US2007/086682, which claimed priority of an earlier application filed 06 December 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 June 2009.

On 03 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 04 November 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 05 April 2010, applicant responded with an executed declaration which listed an inventor, Neil B. Kavey, who was not listed on the published international application.

On 22 April 2010, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) advising applicant that the filed declaration was defective and giving applicant one month to file a proper response.

On 03 May 2010, applicant filed the present petition to add Neil B. Kavey as an inventor in the present U.S. National stage application. The response is timely filed.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Acceptance (Form PCT/DO/EO/903) indicating a 35 U.S.C. (c)(1), (c)(2) and (c)(4) date of **05 April 2010**.

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

1 0 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLAND & HART, LLP
P.O BOX 8749
DENVER CO 80201

In re Application of	:	
MOISYADI, Stefan, et al.	:	
Application No.: 12/517,520	:	DECISION
PCT No.: PCT/US2008/005738	:	
Int. Filing Date: 03 May 2008	:	ON PETITION UNDER
Priority Date: 04 May 2007	:	
Docket No.: 73821.830003.US0	:	37 CFR 1.47(a)
For: METHODS AND COMPOSITIONS	:	
FOR TARGETED DELIVERY OF	:	
GENE THERAPEUTIC VECTORS	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 18 March 2010.

BACKGROUND

On 08 September 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 18 March 2010, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The $200 petition fee will be charged to deposit account no. 08-2623, as authorized. Applicant states the last known address of Mr. Stefan Moisyadi as 1717 Mott-Smith Drive, #3213; Honolulu, HI 96817 and of Mr. Joseph M. Kaminski as 9009 Hempstead Avenue; Bethesda, MD 20817.

Item (2) has not been satisfied. Applicants are alleging that inventors Moisyadi and Kaminski have refused to join the application. As set forth in MPEP 409.03(d), where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person

who presented the inventor with the application papers and/or to whom the refusal was made. Here the presentation attempt was made by Mr. Lee Taylor and it appears only the declaration and assignment were sent. Refusal to sign a declaration, absent presentation with a complete copy of the application papers is not ordinarily sufficient. See Id. Further, documentary evidence of receipt of the papers by the inventors should be presented.

Item (4) has not been satisfied. The text of the second page of the declaration is distorted and cut off. It is assumed this is a scanning error and does not reflect the condition in which it was presented to the inventors. A clear copy of the declaration is required.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 11 2011

PCT LEGAL ADMINISTRATION

DAVIS WRIGHT TREMAINE LLP - San Francisco
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

In re Application of	:	
MOISYADI, Stefan, et al.	:	
Application No.: 12/517,520	:	DECISION
PCT No.: PCT/US2008/005738	:	
Int. Filing Date: 03 May 2008	:	ON PETITION UNDER
Priority Date: 04 May 2007	:	
Docket No.: 73821.830003.US0	:	37 CFR 1.47(a)
For: METHODS AND COMPOSITIONS	:	
FOR TARGETED DELIVERY OF	:	
GENE THERAPEUTIC VECTORS	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 10 December 2010.

BACKGROUND

On 10 August 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 10 December 2010, applicants filed a renewed petition under 37 CFR 1.47(a), accompanied by a declaration of the inventors.

DISCUSSION

The declaration furnished on 10 December 2010 complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

APR 17 2012

PCT LEGAL ADMINISTRATION

MANUEL F. DE LA CERRA
6885 CATAMARAN DRIVE
CARLSBAD, CA 92011

In re Application of	:	
CHONG et al	:	
Application No.: 12/517,528	:	DECISION ON PETITION
Filing Date: December 4, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: PO-58	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 14, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional applications set forth in the Application Data Sheet (ADS) filed concurrently with the petition.

Under 37 CFR 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

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

(ii) the surcharge set forth in 37 CFR 1.17(t); and

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

With regard to item (i), the proper reference has not been provided. In particular, the ADS contains several errors. First, the ADS improperly states that the international application is a continuation of a provisional application. See MPEP 201.11, Section III. B. Second, the ADS improperly states that U.S. Application 11/858,064 is a continuation in part of U.S. Application 10/870,095. Office records indicate that U.S. Application 11/133,021 (and not U.S. Application 11/858,064) is a continuation in part of U.S. Application 10/870,095. Lastly, the ADS fails to list U.S. provisional applications 60/891,192 and 60/868,535. Applicant is advised that the submission of an ADS without listing U.S. provisional applications 60/891,192 and 60/868,535 will have the effect of removing the benefit claims to these provisional applications, which may or may not have been intended.

With regard to item (ii), the surcharge set forth in 37 CFR 1.17(t) has been submitted.

With regard to item (iii), the petition contains a proper statement of unintentional delay.

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED** without prejudice.

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

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration
571-272-3303

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 19 2011
OFFICE OF PETITIONS

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

In re Application of	:	
FRANK et al	:	
Application No. 12/517,629	:	DECISION ON PETITIONS
Filed: June 4, 2009	:	
Attorney Docket No. 1238.043US1	:	

This is a decision on the petitions under 37 CFR 1.182, filed August 1, 2011 , to change the name of inventor "Daniela Betcke" to --Daniela Leutfeld -- and to change the name of inventor "Michaela Vorderwulbeke" to --Michaela Michelbrink--.

The petitions are **GRANTED**.

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1763 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
PO 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
12/517,629	12/18/2009	1763	1994	1238.043US1	37	2

CONFIRMATION NO. 8866

CORRECTED FILING RECEIPT

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

OC000000049770042

Date Mailed: 09/12/2011

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)

Albert Frank, Xanten, GERMANY;
DANIELA LEUTFELD, WESEL, GERMANY;
Dinah Grawe, Ratingen, GERMANY;
Michaela Michelbrink, Rees, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 21186

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP07/10488 12/03/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
GERMANY 2006 057 373.0 12/04/2006

If Required, Foreign Filing License Granted: 01/11/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/517,629**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ANTIFOAMING AGENT FOR AQUEOUS MEDIA

Preliminary Class

516

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).

2 0 SEP 2010

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of Muenstermann et al. Application No.: 12/517,726 PCT No.: PCT/DE2007/002084 Int. Filing Date: 17 November 2007 Priority Date: 04 December 2006 Attorney Docket No.: 108650-270548 For: Suction Chamber For A Water Bar Used For Applying Jets To Fabrics	DECISION

This is in response to the correspondence filed on 15 September 2009.

BACKGROUND

This international application was filed on 17 November 2007, claimed an earlier priority date of 04 December 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 June 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 June 2009. Applicants filed *inter alia* the basic national fee on 04 June 2009.

On 31 August 2009, a Notification of Missing Requirements (PCT/DO/EO/905) was mailed to applicants, requiring an English translation of the international application and processing fee under 37 CFR 1.492(i) because the "number of claims in the International Application and the number of claims in the translation are not the same."

DISCUSSION

Counsel states that the "Notification was received in error," and explains that "the International Bureau failed to number the claims correctly. Applicant hereby submits that there are 30 'numbered' claims but actually 31 total claims. The claim preceding claim 6 should have been numbered claim 6 and the remaining claims numbered accordingly."

Inspection of the published international application reveals that claims numbered 1-30 are present. Closer review reveals that numbered claim 5 appears to include 7 lines of text; counsel appears to consider the last four of these lines to constitute another claim. In response to the Notification of Missing Requirements, counsel did not provide a proper translation of the claims in the condition in which they stood during the international phase, but instead provided a translation wherein a claim number was inserted to identify this purported claim, and wherein the remaining claims were renumbered. As such, petitioner did not satisfy the requirements of the Notification of Missing Requirements mailed on 31 August 2009. Accordingly, this international application stands ABANDONED with respect to the national stage in the United States.

DECISION

Applicants' request is **DISMISSED**, without prejudice.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision. Extensions of time under 37 CFR 1.136(a) are available.

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

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

11United States Patent and Trademark Office

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www.uspto.gov

MAILED

DEC 22 2010

PCT LEGAL ADMINISTRATION

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of
Muenstermann et al.
Application No.: 12/517,726
PCT No.: PCT/DE2007/002084
Int. Filing Date: 17 November 2007
Priority Date: 04 December 2006
Attorney Docket No.: 108650-270548
For: Suction Chamber For A Water Bar Used For Applying Jets To Fabrics

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 20 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **20 October 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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DEC 01 2011

OFFICE OF PETITIONS

In re Application of Muenstermann et al. :
Application No. 12/517,726 :
Int'l Filing Date: November 17, 2007 :
Attorney Docket No. 108650-270548 :
Pub. No.: US 2011/0078883 A1 :
Pub. Date: April 7, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed June 7, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The failure to include changes made by a preliminary amendment filed June 4, 2009, was not an Office error. Specifically, a copy of the application, as amended, was not submitted in compliance with 37 C.F.R. § 1.215(c) and, although 37 C.F.R. § 1.215(a) provides the Office

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

with the discretion to include changes made by a preliminary amendment in a publication when certain criteria are satisfied, it does not require the Office to include such changes in the publication. Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

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

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

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

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

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

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
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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:	12/517,732	Filing date:	November 30, 2007
First Named Inventor:	Bernd Sartorius		
Title of the Invention:	ARRANGEMENT FOR THE ELECTRO-OPTICAL CONTROL AND FAST MODULATION OF THZ TRANSMITTERS AND THZ MEASURING SYSTEMS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2007/010411

The international date of the corresponding PCT application(s) is/are: November 30, 2007

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	12/517,732
First Named Inventor:	Bernd Sartorius

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, 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 December 10, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same claim
2	2	same claim
3	3	same claim
4	4	same claim
5	5	same claim
6	6	same claim
7	7	same claim
8	8	same claim
9	9	same claim
10	10	same claim
11	11	same claim
12	12	same claim
13	13	same claim
14	14	same claim
15	15	same claim
16	16	same claim
17	17	same claim
18	18	same claim

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

Signature /Robert W. Mueller/	Date February 25, 2011
Name (Print/Typed) Robert W. Mueller	Registration Number 35,043

Privacy Act Statement

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

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

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

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United States 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.
12/517,732	06/04/2009	Bernd Sartorius	P36527	9460

7055 7590 04/13/2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
KIM, ELLEN E

ART UNIT	PAPER NUMBER
2874	

NOTIFICATION DATE	DELIVERY MODE
04/13/2011	ELECTRONIC

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

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

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

gbpatent@gbpatent.com
pto@gbpatent.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

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

In re Application of	
SARTORIUS et al.	**: DECISION ON REQUEST TO**
Application No.: 12/517,732	**: PARTICIPATE IN THE PATENT**
Filed: 04 June 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: P36527	**: PROGRAM AND PETITION**
For: ARRANGEMENT FOR THE	**: TO MAKE SPECIAL UNDER**
ELECTRO-OPTICAL CONTROL AND	**: 37 CFR 1.102(a)**
FAST MODULATION ...	

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 28 January 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 (1-5) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to 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. An original copy of the ISA/237 has not been received. The English translation has bee submitted.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bernd SARTORIUS et al.

Group Art Unit : 2874

Appln. No. : 12/517,732

Examiner : Ellen E. Kim

Filed : June 4, 2009

Confirmation No. : 9460

For : ARRANGEMENT FOR THE ELECTRO-OPTICAL CONTROL AND FAST MODULATION OF THZ TRANSMITTERS AND THZ MEASURING SYSTEMS

REQUEST FOR RECONSIDERATION OF DISMISSAL OF REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR1.102(a)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In response to the Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special Under 37 C.F.R. 1.102(a) [hereinafter "Request"] dated April 13, 2011, which set a one month period for correcting deficiencies, Applicant submits herewith the correcting documentation and respectfully requests reconsideration of the dismissal in view of the following remarks taken together with the facts set forth in the Request.

In a teleconference with Mr. Lee Young, Applicants' representative was informed that, while the February 28, 2011 Request identified a copy of the latest international work product from the PCT application was filed on December 10, 2009, this work product was not in compliance with the requirements because it identified an English language translation of the work product, not the work product as published in the original (German) language. To correct

this, the undersigned provides herewith a copy of the latest international work product (PCT/ISA/237) from the PCT application in the original German language.

In view of the foregoing, Applicants submit that they have now fulfilled all of the requirements for participation in the Patent Prosecution Highway Program and for supporting their petition to make special. Therefore, as supplemented herein, Applicants request a favorable decision granting their February 28, 2011 Request.

Should there be any questions regarding the present request for reconsideration, the above noted request for participation or the present application, it is respectfully requested that the undersigned be contacted at the below-listed telephone number.

Respectfully Submitted,
Bernd SARTORIUS et al.

Neil F. Greenblum
Reg. No. 28,394

Robert W. Mueller
Reg. No. 35,043

May 13, 2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

Absender: INTERNATIONALE RECHERCHENBEHÖRDE

An:

siehe Formular PCT/ISA/220

PCT

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHENBEHÖRDE

(Regel 43*bis*.1 PCT)

Absendedatum *(Tag/Monat/Jahr)*	siehe Formular PCT/ISA/210 (Blatt 2)
Aktenzeichen des Anmelders oder Anwalts siehe Formular PCT/ISA/220	**WEITERES VORGEHEN** siehe Punkt 2 unten

Internationales Aktenzeichen	Internationales Anmeldedatum *(Tag/Monat/Jahr)*	Prioritätsdatum *(Tag/Monat/Jahr)*
PCT/EP2007/010411	30.11.2007	07.12.2006

Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC
INV. H04B10/12

Anmelder
FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER ....

1. Dieser Bescheid enthält Angaben zu folgenden Punkten:

- ☒ Feld Nr. I — Grundlage des Bescheids
- ☐ Feld Nr. II — Priorität
- ☐ Feld Nr. III — Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
- ☐ Feld Nr. IV — Mangelnde Einheitlichkeit der Erfindung
- ☒ Feld Nr. V — Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
- ☐ Feld Nr. VI — Bestimmte angeführte Unterlagen
- ☐ Feld Nr. VII — Bestimmte Mängel der internationalen Anmeldung
- ☐ Feld Nr. VIII — Bestimmte Bemerkungen zur internationalen Anmeldung

2. **WEITERES VORGEHEN**

Wird ein Antrag auf internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1*bis* b) mitgeteilt hat, dass schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden.

Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so ist der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen.

Weitere Optionen siehe Formblatt PCT/ISA/220.

3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der Internationalen Recherchenbehörde	Datum der Fertigstellung dieses Bescheids	Bevollmächtigter Bediensteter
Europäisches Patentamt - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	siehe Formular PCT/ISA/210	Butler, Nigel Tel. +31 70 340-3068

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen
PCT/EP2007/010411

Feld Nr. I Grundlage des Bescheids

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der internationalen Recherche eingereicht worden ist (Regeln 12.3 a) und 23.1 b)).

2. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 43bis.1 a)).

3. Hinsichtlich der **Nucleotid- und/oder Aminosäuresequenz**, die in der internationalen Anmeldung offenbart wurde und für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt worden:

   a. Art des Materials:

   ☐ Sequenzprotokoll

   ☐ Tabelle(n) zum Sequenzprotokoll

   b. Form des Materials:

   ☐ in Papierform

   ☐ in elektronischer Form

   c. Zeitpunkt der Einreichung:

   ☐ in der eingereichten internationalen Anmeldung enthalten

   ☐ zusammen mit der internationalen Anmeldung in elektronischer Form eingereicht

   ☐ bei der Behörde nachträglich für die Zwecke der Recherche eingereicht

4. ☐ Wurden mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle eingereicht, so sind zusätzlich die erforderlichen Erklärungen, dass die Information in den nachgereichten oder zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt bzw. nicht über sie hinausgeht, vorgelegt worden.

5. Zusätzliche Bemerkungen:

Feld Nr. V Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit	Ja:	Ansprüche 1-18
	Nein:	Ansprüche
Erfinderische Tätigkeit	Ja:	Ansprüche 1-18
	Nein:	Ansprüche
Gewerbliche Anwendbarkeit	Ja:	Ansprüche: 1-18
	Nein:	Ansprüche:

2. Unterlagen und Erklärungen:

siehe Beiblatt

Zu Punkt V.

Es wird auf die folgenden Dokumente verwiesen:

D1 : WO 2006/123163 A (THE CENTER FOR INTEGRATED PHOTONICS) 23. November 2006 (2006-11-23)

D2 : US 5 710 651 A (R LOGAN) 20. Januar 1998 (1998-01-20)

D3 : US 2005/259908 A1 (S DONATI) 24. November 2005 (2005-11-24)

D4 : US 6 545 785 B1 (D HEFLINGER) 8. April 2003 (2003-04-08)

1) Das Dokument D1, wird als nächstliegender Stand der Technik angesehen. Es offenbart (die Verweise in Klammern beziehen sich auf dieses Dokument):

- eine Anordnung zur Erzeugung von THZ-Signalen, aufweisend
- einen ersten Laser(1) und einen zweiten abstimmbaren Laser(2), wobei die Schwebungsfrequenz der beiden Laser die Frequenz des gesendeten Signals bildet,
- einen ersten Teiler(3) zum Teilen des Ausgangssignals des ersten Lasers
- einen zweiten Teiler(10) zum Teilen des Ausgangssignals des zweiten Lasers
- einen Koppler(9) zum Kombinieren ein Ausgangsignal des ersten Teilers mit einem Ausgangsignal des zweiten Teilers,
- einen Photodetektor(4) zum Empfangen des Kopplerausgangssignals(9),
- eine Antenne (15) , die das THz-Ausgangssignal des Photodetektors empfängt, zum Senden des THz-Signals

von dem sich der Gegenstand des unabhängigen Anspruchs 1 dadurch unterscheidet, daß:

a) die Anordnung in D1 kein Mittel zur Einstellung der relativen Phasenlage der Schwebungssignale an den Ausgängen für THz-Sender bzw. Lokal-Oszillator zueinander aufweist.

1.1) Der Gegenstand des Anspruchs 1 ist somit neu (Artikel 33 (2) PCT).

2) Die mit der vorliegenden Erfindung zu lösende Aufgabe kann somit darin gesehen

werden, daß:

- ein Maß für die Leistung und Phase des empfangenen Signals ermittelt wird, in einem Verfahren indem die relativen Phasenlage der Schwebungssignale an den Ausgängen für THz-Sender bzw. Lokal-Oszillator zueinander in kleinen Schritten variiert wird,
- und für die verschiedenen Phasenkorrelationen wird die Größe des Mischproduktes THz-Welle - LO gemessen.

2.1) Die in Anspruch 1 der vorliegenden Anmeldung für diese Aufgabe vorgeschlagene Lösung beruht aus den folgenden Gründen auf einer erfinderischen Tätigkeit (Artikel 33(3) PCT):

- weil die Messgeschwindigkeit verbessert wird.

3) Die Ansprüche 2-18 sind vom Anspruch 1 abhängig und erfüllen damit ebenfalls die Erfordernisse des PCT in bezug auf Neuheit und erfinderische Tätigkeit.

4) Im Widerspruch zu den Erfordernissen der Regel 5.1 a) ii) PCT werden in der Beschreibung weder der in dem Dokument D1 offenbarte einschlägige Stand der Technik noch dieses Dokument angegeben.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/517,732	06/04/2009	Bernd Sartorius	P36527	9460

7055 7590 06/02/2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
KIM, ELLEN E

ART UNIT	PAPER NUMBER
2874	

NOTIFICATION DATE	DELIVERY MODE
06/02/2011	ELECTRONIC

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

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

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

gbpatent@gbpatent.com
pto@gbpatent.com

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Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	
SARTORIUS et al.	**: DECISION ON REQUEST TO**
Application No.: 12/517,732	**: PARTICIPATE IN THE PATENT**
Filed: 04 June 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: P36527	**: PROGRAM AND PETITION**
For: ARRANGEMENT FOR THE	**: TO MAKE SPECIAL UNDER**
ELECTRO-OPTICAL CONTROL AND	**: 37 CFR 1.102(a)**
FAST MODULATION ...	

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 28 February 2011 and renewed on 13 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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

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

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MAILED

APR 02 2012

OFFICE OF PETITIONS

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Patent No. 8,093,254	: DECISION ON REQUEST
Zhu, et al.	: FOR
Issue Date: January 10, 2012	: RECONSIDERATION OF
Application No. 12/517,744	: PATENT TERM ADJUSTMENT
Filed: August 5, 2009	: and
Atty Docket No. **CN06569US01**	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 9, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eighty-seven (87) 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 eighty-seven (87) days is **GRANTED**.

The Office acknowledges receipt of the $200.00 for the fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections 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 **eighty-seven (87) days.**

Telephone inquiries specific to this 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 DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,093,254 B2

DATED : Jan. 10, 2012

INVENTOR(S) : Zhu, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (55) days

Delete the phrase "by 55 days" and insert – by 87 days--

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

MAILED
JAN 28 2011
OFFICE OF PETITIONS

Applicant: Jerome et al.
Appl. No.: 12/517,746
International Filing Date: December 4, 2007
Title: POLYMER COMPOSITE MATERIAL STRUCTURES COMPRISING CARBON BASED CONDUCTIVE LOADS
Attorney Docket: JERO3001/JEK
Pub. No.: US 2010/0080978 A1
Pub. Date: April 1, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 24, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in paragraph 0139, wherein it does not start a new paragraph for the description of Fig. 5A, so that it does not clearly describe figure 5A.

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

The error noted by requestor wherein paragraph 0139 does not clearly describe figure 5A of the drawings, may be Office error but, it is not a material Office error under 37 CFR 1.221(b). The fact that the paragraph beginning with "It can be seen from Fig. 5A..." wasn't presented as the start of a new paragraph doesn't affects the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication,

[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).

or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Therefore, one of ordinary skill in the art would not be misled by the error.

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 30, 2012

In re Application of :

Edgar Johnson

Application No : 12517799

Filed : 04-Jun-2009

Attorney Docket No : 107292000300

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 30, 2012

The request is **APPROVED.**

The request was signed by Michael Ward (registration no. 38651) on behalf of all attorneys/agents associated with Customer Number 20872 . All attorneys/agents associated with Cusotmer Number 20872 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	U.S. Borax Inc.
Name2	
Address 1	8051 E. Maplewood Ave
Address 2	
City	Greenwood Village
State	CO
Postal Code	80111
Country	US

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

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

Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12517799
Filing Date	04-Jun-2009
First Named Inventor	Edgar Johnson
Art Unit	1617
Examiner Name	ALI SOROUSH
Attorney Docket Number	107292000300
Title	ANIMAL FEED COMPOSITIONS COMPRISING SUPPLEMENTAL BORON AND SUPPLEMENTAL VITAMIN C

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20872

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	U.S. Borax Inc.
Address	8051 E. Maplewood Ave
City	Greenwood Village
State	CO
Postal Code	80111
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael Ward/
Name	Michael Ward
Registration Number	38651

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24737
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CHOU, Chun-Ting :
U.S. Application No.: 12/517,815 :
PCT No.: PCT/IB2007/055032 :
Int. Filing Date: 11 December 2007 :
Priority Date: 12 December 2008 :
Attorney Docket No.: 007613US3 :
For: COMMUNICATION DEVICE AND :
METHOD OF COMMUNICATION THAT :
PROVIDE A SILENT PERIOD FOR :
DETECTION AND AVOIDANCE :

DECISION

This decision is in response to the "Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment" and the "Petition Under 37 CFR 1.182" filed 02 November 2010.

BACKGROUND

On 05 June 2010, applicant filed papers using the USPTO EFS-Web system as the national stage of PCT/IB2007/055031.

On 13 November 2009, a Notification of Insufficient Funds (Form PCT/DO/EO/923) was mailed. Applicant was given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 05 October 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant for failing to respond to the prior notice mailed 13 November 2009 within the time period set therein.

On 21 October 2010, applicant filed a petition to withdraw the holding of abandonment and a petition to correct the PCT number.

DISCUSSION

Petition to Withdraw the Holding of Abandonment

Applicant claims that the subject application was erroneously filed as the national

stage of PCT/IB2007/055031. Consequently, the wrong international application was placed in the file. As a result, additional claim fees were requested which were not warranted in the intended application.

Applicant also argues that the USPTO disregarded information listed in the Application Data Sheet which could have avoided all the problems here. Applicant requests that the notice of abandonment be withdrawn.

A review of the subject application shows that applicant authorized that any required fees be charged to Deposit Account No. 14-1270 during the initial filing. Moreover, USPTO financial records indicate that there were sufficient funds in this account to pay the additional claim and multiple dependent claim fees required (for the erroneous PCT application).

As such, the Form PCT/DO/EO/923 should not have been mailed as any additional claim fees should have been charged automatically. Therefore, the Form PCT/DO/EO/923 the Form PCT/DO/EO/909 are hereby **VACATED**.

Applicant's petition to withdraw the holding of abandonment is **GRANTED**.

Petition Under 37 CFR 1.182

Applicant's petition under 37 CFR 1.182 to correct the PCT number to PCT/IB2007/055032. Applicant believes that no fee is due but the Office is authorized to charge any required fee to Deposit Account No. 14-1270.

A $400.00 petition fee is required for a petition under 37 CFR 1.182. *See* 37 CFR 1.17(f). This fee has been charged to Deposit Account No. 14-1270 as authorized.

A review of the above-captioned application file verifies that the wrong PCT number (PCT/IB2007/055031) was designated during initial filing of the application. The Application Data Sheet notes that the subject application is the national stage of PCT/IB2007/055032. WIPO records show that the title, international filing date, priority date and name of applicant also correspond to PCT/IB2007/055032.

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/IB2007/055031.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/IB2007/055032.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,819	07/29/2009	Tomohiro Numajiri	OLI-070	1177

7590 07/19/2011
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER
JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
07/19/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

MAILED
MAR 29 2011
OFFICE OF PETITIONS

Applicant: Gregarek, et al.
Appl. No.: 12/517,848
International Filing Date: December 5, 2007
Title: DEWATERING SCTEEN AND METHOD FOR THE PRODUCTION THEREOF
Attorney Docket No.: 55-09
pub. No.: US 2010/0175843 A1
Pub. Date: July 15, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 13, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein five of the inventors' names have been omitted.

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

The error on the front page of the publication wherein five of the inventors' names were omitted may be Office error, but it is not a material Office error under 37 CFR 1.221. The omission of an inventor's name and residence does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/517,917	09/16/2010	Ho-Yeul Choi	LGCHEM 3.3-107	1764

86765 7590 07/21/2011
LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER

ART UNIT	PAPER NUMBER
1785	

NOTIFICATION DATE	DELIVERY MODE
07/21/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.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

JUL 21 2011

CST

In re application of	:	DECISION ON REQUEST TO
Ho-Yeul Choi et al	:	PARTICIPATE IN PATENT
Serial No. 12/517,917	:	PROSECUTION HIGHWAY
Filed: September 16, 2010	:	PROGRAM AND
For: STYRENE-BUTADIENE LATEX	:	PETITION TO MAKE SPECIAL
BINDER FOR INK-JET PAPER	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed June 22, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

MAILED

DEC 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Menicou, Kyriacos	:	
Application No. 12/517,929	:	DECISION ON PETITION
Filed: September 8, 2009	:	TO WITHDRAW
Attorney Docket No. ENL-373-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 September 6, 2011.

The request is **NOT APPROVED**.

The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond.

The request cannot be approved because item (3) as listed above was not certified. There is an outstanding Office action, mailed September 1, 2011, which requires a reply.

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 571-272-3206.

/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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3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Menicou, Kyriacos	:	DECISION ON PETITION
Application No. 12/517,929	:	TO WITHDRAW
Filed: September 8, 2009	:	FROM RECORD
Attorney Docket No. ENL-373-A	:	

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 January 4, 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 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 Denise M. Glassmeyer on behalf of all attorneys/agents of record who are associated with Customer Number 48980. All attorneys/agents associated with Customer Number 48980 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, Kyriacos Menicou, 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: KYRIACOS MENICOU
25 CHURCH STREET, BASINGSTOKE
HAMPSHIRE RG21 -7SN GB UNITED KINGDOM

UNITED STATES PATENT and TRADEMARK OFFICE

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MAGNA INTERNATIONAL, INC.
337 MAGNA DRIVE
AURORA ON L4G-7K1 CANADA

MAILED
SEP 15 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
CASE et al	:	
Application No.: 12/517,961	:	
PCT No.: PCT/CA2007/02190	:	
Filing Date: 6 December 2007	:	PETITION UNDER
Priority Date: 6 December 2006	:	
Attorney's Docket No.: 705625US	:	
For: Friction Hinge	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed 26 July 2011.

BACKGROUND

On 6 December 2007, this international application was filed, claiming an earliest priority date of 6 December 2006.

The deadline for filing an oath or declaration of the inventors in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 6 June 2009.

On 5 June 2009, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by the national basic fee. No executed declaration or oath was filed at such time.

On 8 September 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), and must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond. It also indicated that failure to properly respond will result in abandonment.

On 17 May 2011, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 09/08/2010 within the time period set therein.

On 26 July 2011, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the executed Declaration, a surcharge fee for late submission, the petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the executed Declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

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

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

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

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

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

Application Information

Application Number	12/517,966	Confirmation Number	1044	Filing Date	2009-07-17
Attorney Docket Number (optional)	1-28600/OSURF-07073	Art Unit	3777	Examiner	
First Named Inventor	Arthur J. Epstein				
Title of Invention	A SYSTEM FOR IN VIVO BIOSENSING BASED ON THE OPTICAL RESPONSE OF ELECTRONIC POLYMERS				

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
Arthur	J.	Epstein	

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	/Catherine B. Martineau/	Date (YYYY-MM-DD)	2011-09-13
Name	Catherine B. Martineau	Registration Number	31854

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.

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

In re Application of
Arthur J. Epstein

Application No. 12517966

Filed: July 17,2009

Attorney Docket No. 1-28600

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

The petition is **GRANTED**.

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

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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JAN 28 2011

PCT LEGAL ADMINISTRATION

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of LAXHUBER et al.
Application No.: 12/517,983
PCT No.: PCT/EP07/10526
Int. Filing Date: 04 December 2007
Priority Date: 07 December 2006
Attorney Docket No.: 09-494
For: SUPPORT SYSTEM AND METHOD FOR VIEWER-DEPENDENT POSITIONING AND ALIGNMENT OF A DISPLAY UNIT

DECISION ON SUBMISSION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. Applicant submitted an executed declaration in the above referenced application filed in the United States Patent and Trademark Office on 15 November 2010.

BACKGROUND

On 05 June 2009, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee. On 14 September 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required.

On 15 November 2010, applicant submitted an executed declaration. The published international application identified the second inventor as STEFAN KALTENBACH. However, the declaration identified the second inventor as HERM STEFAN KALTENBACH and was executed as Stefan Kaltenbach.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "STEFAN KALTENBACH". The declaration, filed on 15 November 2010 is identifies "HERM STEFAN KALTENBACH". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted. Should applicant wish to change the inventor's name to HERM STEFAN KALTENBACH, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c). In the alternative, a declaration, identifying and executed by the inventive entities as listed on the international application, is required.

CONCLUSION

For the reasons set forth above, the declaration of inventor submitted by applicant on 15 November 2010 is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

A petition under 37 CFR 1.182 is required. The application will be held in the PCT Legal Office to await applicant's further reply.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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SEP 16 2011

PCT LEGAL ADMINISTRATION

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of LAXHUBER et al.
Application No.: 12/517,983
SUBMISSION
PCT No.: PCT/EP07/10526
Int. Filing Date: 04 December 2007
Priority Date: 07 December 2006
Attorney Docket No.: 09-494
For: SUPPORT SYSTEM AND METHOD FOR VIEWER-DEPENDENT POSITIONING AND ALIGNMENT OF A DISPLAY UNIT

DECISION ON SUBMISSION

This is a decision on applicant's response in the above referenced application filed in the United States Patent and Trademark Office on 11 March 2011.

BACKGROUND

On 05 June 2009, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee. On 14 September 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required.

On 15 November 2010, applicant submitted an executed declaration. The published international application identified the second inventor as STEFAN KALTENBACH. However, the declaration identified the second inventor as HERM STEFAN KALTENBACH and was executed as Stefan Kaltenbach. On 18 January 2011, a decision was mailed to applicant indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b).

DISCUSSION

A review of the application file revealed that the given name of the second inventor as listed on the published international application is

"STEFAN KALTENBACH".

Applicant submitted a newly executed declaration which identifies the second inventor as STEFAN KALTENBACH. The executed declaration is in compliance with 37 CFR 1.497(a) and (b) as the declaration names the inventive entity identified in the published international application. Thus, the declaration satisfies the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the reasons set forth above, the declaration of inventors submitted by applicant on 11 March 2011 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 11 March 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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K&L GATES LLP
P.O. BOX 1135
CHICAGO IL 60690

MAILED
NOV 10 2011
OFFICE OF PETITIONS

In re Application of	:	
Deborah Zelinsky	:	DECISION ON PETITION
Application No. 12/517,999	:	TO WITHDRAW
Filed: December 1, 2010	:	FROM RECORD
Attorney Docket No. 3716641-00016	:	

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, 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 K&L Gates 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.

A review of USPTO records reveals that the Declaration filed December 1, 2010 did not designate a power of attorney in the above-identified application. Accordingly, the Filing Receipt mailed December 9, 2010 is hereby withdrawn. Therefore, currently there is no power of attorney in the above-identified application. The correspondence address of record remains that as stated in the Declaration filed December 1, 2010. A corrected filing receipt is enclosed.

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 inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/517,999	12/01/2010	3736	390	3716641-00016	16	3

CONFIRMATION NO. 1236

CORRECTED FILING RECEIPT

24573
K&L Gates LLP
P.O. Box 1135
CHICAGO, IL 60690

OC000000050901556

Date Mailed: 11/10/2011

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)

Deborah Zelinsky, Northfield, IL;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/81928 10/19/2007
which claims benefit of 60/862,394 12/07/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

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: 12/07/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/517,999**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Methods for Diagnosis and Treatment of Processing Difficulties, Integration Problems, Imbalances and Abnormal Postures

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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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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OCT 13 2010
PCT LEGAL ADMINISTRATION

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

In re Application of SARNA et al	:	
U.S. Application No.: 12/518,008	:	
PCT Application No.: PCT/PL2008/000004	:	DECISION
Int. Filing Date: 08 January 2008	:	
Priority Date Claimed: 10 January 2007	:	
Attorney Docket No.: HTL0002-US	:	
For: PATIENT'S SKIN PUNCTURING DEVICE	:	

This is in response to the request to withdraw as attorney filed on 12 November 2009.

BACKGROUND

On 08 January 2008, applicant filed international application PCT/PL2008/000004, which claimed priority of an earlier Poland application filed 10 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 17 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 10 July 2009.

On 05 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 November 2009, applicant's representative filed the present request to withdraw as attorney.

DISCUSSION

A review of the application file reveals that a valid power of attorney to Gabriel Sukman or the practitioners associated with Customer Number 36183 was never filed.

For requests to withdraw filed on or after 12 May 2008, the Office no longer approves requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the

practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file. *Change in Procedure for Requests to Withdraw from Representation in a Patent Application*, 1329 OG 99, 08 April 2008.

CONCLUSION

For the reasons above, the request to withdraw as attorney is DISMISSED AS MOOT.

The application is being forwarded to Technology Center Art Unit 3731 for examination.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APR 19 2011

PCT LEGAL ADMINISTRATION

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MCCARTER & ENGLISH, LLP HARTFORD
CITYPLACE I
185 ASYLUM STREET
HARTFORD CT 06103

In re Application of:	:	
KOCH, Berthold, et al.	:	DECISION REGARDING
U.S. Application No.: 12/518,014	:	SUBMISSION UNDER
PCT No.: PCT/EP2007/063475	:	37 CFR 1.42
International Filing Date: 06 December 2007	:	
Priority Date: 07 December 2006	:	
Attorney's Docket No.: 100143.00073 US	:	
For: PURIFICATION APPARATUS FOR GASES	:	

This decision is issued in response to applicants' 02 September 2010 submission of a declaration executed on behalf of deceased inventor Berthold KOCH by the deceased inventor's "Managing Director" Monique Abeels-Koch. The submission is considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 06 December 2007, applicants filed international application PCT/EP2007/063475. The international application claimed a priority date of 07 December 2006, and it designated the United States. On 12 June 2008, the International Bureau (IB) communicated a copy of the international application to the United States patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 June 2009.

The international application identified two inventors of record, Franz Josef PARUSEL and Berthold KOCH. Inventor Berthold KOCH is deceased.

On 05 June 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 07 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an English translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and the surcharge and processing fee required for filing these materials later than thirty months after the priority date.

On 02 September 2010, applicants filed a response to the Notification Of Missing Requirements (with required three-month extension fee). The response included an English translation of the international application, payment of the required surcharge and processing fee, and a declaration executed by the surviving inventor Franz Josef PARUSEL and on behalf of deceased inventor Berthold KOCH by Monique Abeels-Koch, identified on the declaration as the deceased inventor's "Managing Director." The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497.

Here, the declaration filed on 02 September 2010 indicates that co-inventor Berthold KOCH is deceased, and the declaration was executed on behalf of the deceased inventor by Monique Abeels-Koch. The declaration lists the name and citizenship of the two inventors (including the deceased inventor) and the citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor. However, the declaration does not identify the person signing on behalf of the deceased inventor as the legal representative (or equivalent) of the deceased inventor's estate or as the inventor's sole heir. Rather, the person signing on behalf of the deceased inventor, Monique Abeels-Koch, is identified as the "Managing Director" to the deceased inventor, a title that is ambiguous in this context and is not sufficient to support a conclusion that Monique Abeels-Koch is the legal representative (or equivalent) or sole heir of the deceased inventor.

Based on the above, on the present record the declaration filed on 02 September 2010 cannot be accepted on behalf of the deceased inventor under 37 CFR 1.42 and 1.497.

CONCLUSION

The request for status under 37 CFR 1.42 with respect to deceased inventor Berthold KOCH is **REJECTED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed on behalf of the deceased inventor by a person identified thereon as the legal representative (or equivalent) of the deceased inventor (or all his heirs). Such declaration must include all the information required by 37 CFR 1.497, including the citizenship, residence, and mailing address of the legal representative, and the name and citizenship of the deceased inventor and the surviving inventor.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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JUN 15 2011

PCT LEGAL ADMINISTRATION

MCCARTER & ENGLISH, LLP HARTFORD
CITYPLACE I
185 ASYLUM STREET
HARTFORD CT 06103

In re Application of: KOCH, Berthold, et al. U.S. Application No.: 12/518,014 PCT No.: PCT/EP2007/063475 International Filing Date: 06 December 2007 Priority Date: 07 December 2006 Attorney's Docket No.: 100143.00073 US For: PURIFICATION APPARATUS FOR GASES	DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' "Petition For Review And Processing By PCT Legal Office" filed on 10 May 2011, treated herein as a renewed request for acceptance under 37 CFR 1.42 of the declaration executed on behalf of deceased inventor Berthold KOCH by the deceased inventor's "Managing Director" Monique Abeels-Koch.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 19 April 2011. The decision rejected applicants request for status with respect to deceased inventor Berthold KOCH pending clarification as to whether the inventor's "Managing Director" Monique Abeels-Koch was the legal representative of the deceased inventor's estate.

On 10 May 2011, applicants filed the "Petition For Review And Processing By PCT Legal Office" considered herein as a renewed request for acceptance of the previously filed declaration under 37 CFR 1.42 and 1.497.

DISCUSSION

The present submission includes an Affidavit of Martin Kayser, a German attorney, which confirms that the "Managing Director" in Germany qualifies as the legal representative of a deceased inventor, akin to an executor. In view of this submission, the declaration executed on behalf of the deceased inventor by his "Managing Director" may be accepted as having been executed by the legal representative of the deceased inventor.

As set forth in the previous decision, the declaration includes all required information, including the citizenship, residence, and mailing address of the deceased inventor and the

citizenship of the deceased inventor. Accordingly, the declaration filed on 02 September 2010 is acceptable under 37 CFR 1.42 and 1.497 with respect to the deceased inventor.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Bernhard KOCH is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 May 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of LINDHOLM et al. Application No.: 12/518,022 PCT No.: PCT/EP2006/069469 Int. Filing: 08 December 2006 Priority Date: None Attorney Docket No.: P23158-US1 For: METHODS AND APPARATUSES FOR TERMINATING AN IP MULTIMEDIA SUBSYSTEM SERVICE WHEN IP ADDRESS IS NO LONGER ALLOCATED TO THE USER	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition By Agent to Make Application Under 37 CFR 1.47(b) Uncooperative Inventor" filed 11 November 2010, treated herein as a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, John Michael Walker.

BACKGROUND

On 08 December 2006, applicants filed international application PCT/EP2006/069469 which claimed no priority date. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the international filing date, 08 June 2009.

On 05 June 2009, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 14 September 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 11 November 2010, applicants filed the present petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) seeks acceptance of the application without the signature of joint inventor, John Michael Walker.

DISCUSSION

Applicants claim that co-inventor John Michael Walker refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor on 07 December via electronic mail. The documents provided to John Michael Walker included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (John Michael Walker). This declaration is treated as having been executed by the available inventor on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of John Michael Walker under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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John Michael Walker
Gerstkamp 87
2592 Den Haag
Netherlands

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of
LINDHOLM et al.
Application No.: 12/518,022
PCT No.: PCT/EP2006/069469
Int. Filing: 08 December 2006
Priority Date: None
Attorney Docket No.: P23158-US1
For: METHODS AND APPARATUSES FOR TERMINATING AN IP MULTIMEDIA SUBSYSTEM SERVICE WHEN IP ADDRESS IS NO LONGER ALLOCATED TO THE USER

Dear John Michael Walker:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

27 AUG 2010

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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN TX 77522-2149

In re Application of	:	
GODSMARK et al.	:	
Application No.: 12/518,023	:	
Filing Date: 05 June 2009	:	DECISION
Attorney's Docket No.: 2006EM221	:	
For: OLIGOMERISATION OF OLEFINS	:	

This is a decision on Petitioner's "Petition Under 37 CFR 1.78(a)(3) to Correct An Unintentionally Delayed Priority Claim", filed 02 June 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP07/11289 filed on 20 December 2007.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. A reference added to the specification to comply with 37 CFR 1.78(a)(2)(i) is needed since the proper relationship, which includes the type of continuing application, is not stated. See Manual of Patent Examining Procedure, (8th ed., Revision 7 (July 2008)), Section 201.11, Reference to Prior Application(s). The specific reference must indicate whether the application is a continuation, divisional or

continuation-in-part of the international application PCT/EP07/11289. The petition cannot be granted until the proper reference is submitted.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and an appropriate amendment or Application Data Sheet is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office";

By mail: Mail Stop PCT LEGAL ADMINISTRATION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

/Bryan Lin/
Byran Lin
PCT Legal Examiner
Office of PCT Legal Administration

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PCT LEGAL ADMINISTRATION

EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN TX 77522-2149

In re Application of	:	
GODSMARK et al.	:	
Application No.: 12/518,023	:	
Filing Date: 05 June 2009	:	DECISION
Attorney's Docket No.: 2006EM221	:	
For: OLIGOMERISATION OF OLEFINS	:	

This is a decision on Petitioner's "Communication", filed 10 November 2010, treated as a renewed petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP07/11289 filed on 20 December 2007.

At the time of filing the present application, applicant did not make a proper claim for domestic priority. Thus, the filing of a petition under 37 CFR 1.78(a)(3) is necessary. Such petition is hereby **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an 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 petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled

to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that any Filing Receipt includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1762 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.

/Bryan Lin/
Bryan Lin
Legal Examiner
Office of Petitions

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PCT LEGAL ADMINISTRATION

WRB-IP LLP
801 N. PITT STREET
SUITE 123
ALEXANDRIA, VA 22314

In re Application of FRYK et al
U.S. Application No.: 12/518,048
PCT Application No.: PCT/SE2007/001082
Int. Filing Date: 04 December 2007
Priority Date Claimed: 05 December 2006
Attorney Docket No.: 000009-357
For: A METHOD FOR DETERMINING THE STATE OF A ROAD SURFACE AND ETHOD OF GENERATING A LOG OVER HE USE OF A VEHICLE

DECISION

This is in response to applicant's petition under 37 CFR 1.181 filed 15 August 2010.

BACKGROUND

On 04 December 2007, applicant filed international application PCT/SE2007/001082, which claimed priority of an earlier Sweden application filed 05 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 05 June 2009.

On 05 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 13 August 2010, the DO/EO/US mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923), which indicated that $1430.00 in additional claims fees were due.

On 15 August 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition requests withdrawal of the Notification of Insufficient Fees. A review of the international application reveals that amended claims were annexed to the International Preliminary Report on Patentability (Form PCT/IPEA/409). As the amended claims were in English, the amended claims should have been entered. Accordingly, the preliminary amendment filed on 05 June 2009 was effective to reduce the number of claims for the purposes of fee calculation.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Insufficient Fees (Form PCT/DO/EO/923) mailed 13 August 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 05 June 2009.

This application is being returned to Technology Center Art Unit 2863 for examination.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459.

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.
12/518,062	12/07/2010	Chan-Yong Park	651-0002	1637

60803 7590 07/12/2011
SHERR & VAUGHN, PLLC
620 HERNDON PARKWAY
SUITE 320
HERNDON, VA 20170

EXAMINER
THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
07/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
United States Patent and Trademark Office
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SHERR & VAUGHN, PLLC
620 HERNDON PARKWAY
SUITE 320
HERNDON VA 20170

In re Application of	**: DECISION ON REQUEST TO**
PARK et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/518,062	**: PROSECUTION HIGHWAY**
Filed: 07 December 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 651-0002	**: TO MAKE SPECIAL UNDER**
For: COAXIAL CABLE	**: 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 27 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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 PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/518,176	Filing date:	October 19, 2009
First Named Inventor:	Jacobus Stark		
Title of the Invention:	POST-HARVEST TREATMENT OF FRUITS WITH AN ANTIFUNGAL COMPOSITION		

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/EP2007/063420

The international filing date of the corresponding PCT application(s) is/are: December 6, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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
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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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/518,176
First Named Inventor:	Jacobus Stark

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 June 8, 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 June 8, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1	The claims sufficiently correspond
13	2	The claims sufficiently correspond
14	3	The claims sufficiently correspond
15	4	The claims sufficiently correspond
16	5	Single dependent based on claim 5 of claims received on 01/20/2009
17	6	Single dependent based on claim 6 of claims received on 01/20/2009
18	7	Single dependent based on claim 7 of claims received on 01/20/2009
20	9	The claims sufficiently correspond
21	10	The claims sufficiently correspond
22	11	Single dependent based on claim 11 of claims received on 01/20/2009
23	8	Method claim based on claim 8 (use claim) of claims received on 01/20/2009

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Bryan W. Jones/	Date 03/01/2012
Name (Print/Typed) Bryan W. Jones	Registration Number 66,992

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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OCT 18 2010

PCT LEGAL ADMINISTRATION

FOX ROTHSCHILD LLP
997 LENOX DRIVE, BLDG. #3
LAWRENCEVILLE, NJ 08648

In re Application of ANSMANN et al	:	
U.S. Application No.: 12/518,208	:	
PCT Application No.: PCT/EP2007/010351	:	
Int. Filing Date: 29 November 2007	:	DECISION
Priority Date Claimed: 08 December 2006	:	
Attorney Docket No.: C3137 PCT US P40194 USA	:	
For: DIALKYL CARBONATES OF BRANCHED	:	
ALCOHOLS AND THEIR USE	:	

This is in response to applicant's petition filed 17 May 2010, which is being treated under 37 CFR 1.497(d).

BACKGROUND

On 29 November 2007, applicant filed international application PCT/EP2007/010351, which claimed priority of an earlier European Patent Office application filed 08 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 June 2009.

On 08 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 May 2010, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Stefan Brüning and Rolf Kawa should be added as an inventors.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statements have not been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the petition fails to state whether an assignment has been executed by any of the original named inventors.

With regard to item (4) above, a new oath/declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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FOX ROTHSCHILD LLP
997 LENOX DRIVE, BLDG. #3
LAWRENCEVILLE, NJ 08648

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PCT LEGAL ADMINISTRATION

In re Application of ANSMANN et al :
U.S. Application No.: 12/518,208 :
PCT Application No.: PCT/EP2007/010351 :
Int. Filing Date: 29 November 2007 : DECISION
Priority Date Claimed: 08 December 2006 :
Attorney Docket No.: C3137 PCT US P40194 USA :
For: DIALKYL CARBONATES OF BRANCHED :
ALCOHOLS AND THEIR USE :

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed on 09 December 2010.

BACKGROUND

On 29 November 2007, applicant filed international application PCT/EP2007/010351, which claimed priority of an earlier European Patent Office application filed 08 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 June 2009.

On 08 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 May 2010, applicant filed a petition under 37 CFR 1.497(d).

On 18 October 2010, this Office mailed a decision dismissing the 17 May 2010 petition.

On 09 December 2010, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Stefan Brüning and Rolf Kawa should be added as an inventors.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner previously satisfied items (2) and (4) above.

With regard to item (1) above, the requisite statements have been provided.

With regard to item (3) above, written consent of the assignee Cognis IP Management GmbH has not been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOX ROTHSCHILD LLP
997 LENOX DRIVE, BLDG. #3
LAWRENCEVILLE, NJ 08648

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APR 21 2011

PCT LEGAL ADMINISTRATION

In re Application of ANSMANN et al	:	
U.S. Application No.: 12/518,208	:	
PCT Application No.: PCT/EP2007/010351	:	
Int. Filing Date: 29 November 2007	:	DECISION
Priority Date Claimed: 08 December 2006	:	
Attorney Docket No.: C3137 PCT US P40194 USA	:	
For: DIALKYL CARBONATES OF BRANCHED	:	
ALCOHOLS AND THEIR USE	:	

This is in response to applicant's second renewed petition under 37 CFR 1.497(d) filed on 24 February 2011.

BACKGROUND

On 29 November 2007, applicant filed international application PCT/EP2007/010351, which claimed priority of an earlier European Patent Office application filed 08 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 June 2009.

On 08 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 May 2010, applicant filed a petition under 37 CFR 1.497(d).

On 18 October 2010, this Office mailed a decision dismissing the 17 May 2010 petition.

On 09 December 2010, applicant filed a renewed petition under 37 CFR 1.497(d).

On 30 December 2010, this Office mailed a decision dismissing the 09 December 2010 renewed petition.

On 24 February 2011, applicant filed the instant second renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Stefan Brüning and Rolf Kawa should be added as an inventors.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, written consent of the assignee Cognis IP Management GmbH has been provided.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 May 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

17 AUG 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue
Suite 140
Bloomfield Hills, Michigan 48304

In re Application of	DECISION ON RENEWED
Daly et al	
Application No: 12/518,231	
PCT No.: PCT/EP2007/063511	
Int. Filing Date: 07 December 2007	PETITION UNDER
Priority Date: 08 December 2006	
Attorney's Docket No.: 66814-0051	
For: LASER WELDING METHOD	37 CFR 1.47(a)

This is in response to the "RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(a)" filed on 15 June 2010.

BACKGROUND

In a decision from this Office on 15 April 2010, the petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (2) and (3) had not been satisfied.

On 15 June 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 15 April 2010 with respect to accepting the above application without the signature of co-inventor Paul DALY. The renew petition includes a declaration by Lisa M. TERRY.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 15 June 2010 has satisfied item (2) under 37 CFR 1.47(a) but not item (3).

Regarding item (2), the statement by Ms. Terry, having first-hand knowledge of the facts, indicates that she emailed the application package on October 13, 2009 which included a copy of the application papers (specification, claims and drawings) and he responded back that he needed to talk to the Assignee's Attorney, and again on May 28, 2010. However, Mr. Daly has not returned the required papers signed

Consequently, at this time it can be concluded that Mr. Daly has refused to sign the documents.

Regarding item (3), as stated in the previous decision petitioner has still not provided an affirmative statement of the last known address of the missing co-inventor in the petition.

Accordingly, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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MAILED

21 DEC 2010

PCT LEGAL ADMINISTRATION

RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue
Suite 140
Bloomfield Hills, Michigan 48304

In re Application of	:	DECISION ON RENEWED
Daly et al	:	
Application No: 12/518,231	:	
PCT No.: PCT/EP2007/063511	:	
Int. Filing Date: 07 December 2007	:	PETITION UNDER
Priority Date: 08 December 2006	:	
Attorney's Docket No.: 66814-0051	:	
For: LASER WELDING METHOD	:	37 CFR 1.47(a)

This is in response to the "RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(a)" filed on 18 October 2010.

BACKGROUND

In a decision from this Office on 17 August 2010, the renewed petition filed under 37 CFR 1.47(a) on 15 June 2010 was dismissed. The decision stated that item (3) had not been satisfied as the last known address of the nonsigning inventor was not affirmatively stated.

On 18 October 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" stating the last known address of the nonsigning inventor Paul Daly.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 18 October 2010 has satisfied item (3) under 37 CFR 1.47(a). Thus, satisfying all the items under 37 CFR 1.47(a).

Regarding item (2), the statements by Ms. Terry and Mr Stewart as submitted in the previous petitions show a bona fide attempt in sending the applications to Mr. Daly and his refuses to sign the declaration and return it.

Petitioner has now provided the last known address of nonsigning co-inventor Paul Daly.

Paul Daly
2166 Joanna Drive
Troy, MI 48084

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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Paul Daly
2166 Joanna Drive
Troy, MI 48084

MAILED
DEC 27 2010
PCT LEGAL ADMINISTRATION

In re Application of
Daly et al
Application No: 12/518,231
PCT No.: PCT/EP2007/063511
Int. Filing Date: 07 December 2007
Priority Date: 08 December 2006
Attorney's Docket No.: 66814-0051
For: LASER WELDING METHOD

Dear: Daly

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-09-11

TO SPE OF : ART UNIT 1777

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/518316 Patent No.: 7968055

CofC mailroom date: 08-30-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE _____ Art Unit 1777

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12518320
Filing Date	09-Jul-2009
First Named Inventor	Graham Eastham
Art Unit	1621
Examiner Name	JENNIFER SAWYER
Attorney Docket Number	31229-271253
Title	CARBONYLATION OF CONJUGATED DIENES

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Keith G. Haddaway, Ph.D./
Name	Keith G. Haddaway, Ph.D.
Registration Number	46180

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 31,2011

In re Application of :

Graham Eastham

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12518320

Filed : 09-Jul-2009

Attorney Docket No : 31229-271253

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 31,2011 , 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 1621 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/518,350	06/09/2009	Bryn Richards	248-00354	4504

26753 7590 09/15/2011
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

EXAMINER
DENION, THOMAS E

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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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

In re Application of	:	
RICHARDS, BRYN	:	DECISION ON REQUEST TO
Application No. 12/518,350	:	PARTICIPATE IN PATENT
Filed: June 09, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. **248-00354**	:	PROGRAM AND PETITION
For: ENGINE INDUCTION SYSTEM	:	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

2 7 SEP 2010

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Alexandria, VA 22313-1450
www.uspto.gov

MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

In re Application of	:	
WANG et al.	:	
Application No.: 12/518,409	:	DECISION
PCT No.: PCT/US2007/025398	:	
Int. Filing Date: 11 December 2007	:	
Priority Date: 13 December 2006	:	
Attorney Docket No.: JB06578US02	:	
For: METHODS OF TREATMENT	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 03 September 2010.

BACKGROUND

On 11 December 2007, applicant filed international application PCT/US2007/025398 which designated the U.S. and claimed a priority date of 13 December 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 June 2009 (13 June 2009 being a Saturday).

On 09 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 October 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 06 May 2010, applicants filed a submission including, *inter alia*, a petition/fee for a five-month extension of time and a declaration of inventors.

On 18 August 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

06 May 2010 was not in compliance with 37 CFR 1.497(a)-(b) because the declaration "seem[ed] to suggest that there are only two inventors on each sheet" and that for additional inventors, a "PTO Continuation Oath Sheet" should be used.

On 03 September 2010, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition under 37 CFR 1.182 requests a specific order of inventors. While MPEP 605.04(f) indicates that the order of names of the inventors can be changed with a petition under 37 CFR 1.182, the order of names is not the issue in the instant application. Rather, the issue is whether the declaration filed 06 May 2010 is sufficient. Thus, the petition under 37 CFR 1.182 is not applicable.

Although not mentioned in the NOTIFICATION OF DEFECTIVE RESPONSE mailed 18 August 2010, each page of the declaration fails to properly identify the specification to which it is directed, as required by 37 CFR 1.497(a)(2). The specification is identified as "Application No. 12/518,409 filed on 12/11/2007." However, application number 12/518,409 was filed on 09 June 2009; international application number PCT/US2007/025398 was filed on 11 December 2007.

As to the comments made in the NOTIFICATION OF DEFECTIVE RESPONSE mailed 18 August 2010, it is not clear from the declaration of inventors filed 06 May 2010 that each inventor was presented with a complete declaration which listed all of the inventors, as required by 37 CFR 1.497(a)(3). See, for example, MPEP § 201.03, item II.B which states in part,

> 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.

Rather than using Form PTO/SB/01A once and using Form PTO/SB/02A to list additional inventors, as would have been proper, the declaration filed 06 May 2010 uses Form PTO/SB/01A four times. The pages are unnumbered. Also, each page of the declaration indicates that "Additional inventors or a legal representative are being named on 3 additional form(s) attached hereto." However, the "second" page of the declaration should have indicated that 2 additional forms were attached, the "third" page that 1 additional form was attached and the "fourth" page that no additional forms were attached. In short, it appears that four separate declarations were prepared for signing, three of which identified two inventors each and one of which identified a single inventor. It is not clear whether each inventor was presented with all four Form

PTO/SB/01A's or whether each inventor may have been presented only with the page with his or her name. The comments made in the "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 03 September 2010 have been considered but were not found to be persuasive.

Finally, the declaration signed by Mohamed H. LADHA is not sufficient because it contains non-initialed alterations (the citizenship of Mohamed H. LADHA). 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a), Item I.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

SEP 29 2011

PCT LEGAL ADMINISTRATION

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of	:	
WANG et al.	:	
Application No.: 12/518,409	:	DECISION
PCT No.: PCT/US2007/025398	:	
Int. Filing Date: 11 December 2007	:	
Priority Date: 13 December 2006	:	
Attorney Docket No.: JB06578US02	:	
For: METHODS OF TREATMENT	:	

This decision is in response to applicants' submission filed 23 February 2011 which included, *inter alia*, a new declaration of inventors.

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903) mailed 20 July 2011 was mailed prematurely, i.e., before the decision on applicants' submission filed 23 February 2011 had been made. Because this submission was a proper response to the decision mailed 27 September 2010, the application has met the requirements of 35 U.S.C. 371. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates accorded in Form DO/EO/903 are correct. Accordingly, Form DO/EO/903 is hereby affirmed.

The decision issued 27 September 2010 indicated that a new declaration of inventors was required because the declaration filed 06 May 2010 failed to properly identify the specification to which it is directed, as required by 37 CFR 1.497(a)(2). The specification was identified as "Application No. 12/518,409 filed on 12/11/2007." However, application number 12/518,409 was filed on 09 June 2009 while international application number PCT/US2007/025398 was filed on 11 December 2007. The decision also indicated that a new declaration of inventors signed by Mohamed H. LADHA was required because the declaration signed by him filed on 06 May 2010 included non-initialed alterations.

The declaration of inventors filed 23 February 2011 correctly identifies the specification and is in compliance with 37 CFR 1.52(c).

The decision issued 27 September 2010 also indicated that the declaration of inventors filed 06 May 2010 was not sufficient because it used Form PTO/SB/01A four times rather than using Form PTO/SB/01A once and Form PTO/SB/02A to list additional inventors. However, upon reconsideration, it has been determined that the use of Form PTO/SB/01A four times with an indication at the bottom of the form that three additional forms are attached is proper. The decision was incorrect in stating that Form PTO/SB/02A should be used to list additional inventors because there is no Form PTO/SB/02A.

The declaration filed 23 February 2011 is in compliance with 37 CFR 1.497(a)-(b) and 37 CFR 1.52(c).

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

PTO/SB/20PCT-JP (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 JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/518,513	Filing date:	June 10, 2009
First Named Inventor:	Motoharu Saito		
Title of the Invention:	Nonaqueous Electrolyte Secondary Battery and Method of Manufacturing the 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: JP 2007/075023

The international date of the corresponding PCT application(s) is/are: December 26, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

The claims in the present US Application are identical to the claims in the corresponding PCT Application.

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 JPO AND THE USPTO

(continued)

Application No.:	12/518,513
First Named Inventor:	Motoharu Saito

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 June 10, 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 June 10, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claims are the same.
2	2	Claims are the same.
3	3	Claims are the same.
4	4	Claims are the same.
5	5	Claims are the same.
6	6	Claims are the same.
7	7	Claims are the same.
8	8	Claims are the same.
9	9	Claims are the same.
10	10	Claims are the same.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date April 15, 2011
Name (Print/Typed) Daniel A. Geselowitz, Ph.D.	Registration Number 42,573

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/518,513	06/10/2009	Motoharu Saito	090137	6056

23850 7590 06/06/2011
KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON, DC 20005

EXAMINER
CONLEY, OI K

ART UNIT	PAPER NUMBER
1726	

MAIL DATE	DELIVERY MODE
06/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 6 2011

CT

In re application of Motoharu Saito et al Serial No. 12/518,513 Filed: June 10, 2009 For: NONAQUEOUS ELECTROLYTE SECONDARY BATTERY	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 15, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(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 fail because:

(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;

First, it is noted that while a copy of the International Search Report is present in the current application, a copy of the Written Opinion of the International Searching Authority is not present.

Furthermore, upon a review of the Written Opinion of the International Searching Authority in PCT/JP07/075203, it is noted that while claims 1 – 10 in the PCT application were indicated as having novelty, inventive step, and industrial applicability, the claims were not free of any observations in Box VIII of the Written Opinion of the International Searching Authority. Accordingly, applicant must identify and explain why the claim(s) is/are not subject to the observations in Box VIII.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Application No. 12/518,513

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **SAITO, Motoharu, et al.**

Serial No.: **12/518,513**

Filed: **June 10, 2009**

Group Art Unit: **1726**

Examiner: **CONLEY, Oi K.**

P.T.O. Confirmation No.: **6056**

For: **NONAQUEOUS ELECTROLYTE SECONDARY BATTERY AND METHOD OF MANUFACTURING THE SAME**

CORRECTED REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY IN RESPONSE TO DECISION ON REQUEST MAILED JUNE 6, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 22, 2011

Sir:

This Corrected Request is filed in response to the Decision on Request mailed June 6, 2011. The Decision on Request identified two deficiencies in the originally filed request (April 15, 2011):

a) The copy of the Written Opinion of the International Searching Authority in PCT/JP2007/075203 was not present;

b) The Written Opinion included observations in box VIII, and applicant must identify why the claims are not subject to the observations in box VIII.

In a telephone call to Quality Assurance Specialist Christine Tierney on June 21, 2011, Ms. Tierney confirmed that the present corrected request need only address these two deficiencies, and need not repeat the entire PPH request form. Applicant thanks Ms. Tierney for her assistance.

The deficiencies are addressed as follows:

a) A copy of the Written Opinion of the International Searching Authority is **attached** to this corrected request.

b) Regarding the "certain observations" in box VIII of the written opinion, Applicant provides the following remarks identifying why the claims are not subject to the observations:

The identification and explanation of why the claims are not subject to any observation described in Box VIII:

The observation of the international application (International Application No. PCT/JP2007/075723) describes at Box VIII as follows: claims 1 and 9, and dependent claims thereof have revealed that although the effectiveness of a number of specific compounds comprising Na is verified in the examples and the like, there is no disclosure or suggestion as to what other compounds have "an initial charge/discharge efficiency of 100% or higher when metal lithium is in use as a counter electrode." In addition, it cannot say that such remaining compounds had been well known before the priority date of the present application. Thus, it cannot be considered sufficiently disclosed in the description to allow a person skilled in the art without much strain to verify/recognize in a reproducible fashion what compounds, other than those using the positive electrode active material specifically examined in the examples and the like, meet said defining feature and exhibit the claimed effect.

However, paragraphs [0084]-[0087], [0091], and [0096]-[0102] of the description of the present application describe methods of verifying what compound corresponds to a compound "an initial charge/discharge efficiency of 100% or higher when metal lithium is in use as a counter electrode." Therefore, if the initial charge/discharge efficiency of a certain active material is measured based on this description, a person skilled in the art can verify, recognize,

and reproduce without much strain as to what other compounds have "an initial charge/discharge efficiency of 100% or higher when metal lithium is in use as a counter electrode."

Accordingly, the present claims are not subject to the observations of Box VIII.

In the event any fees are deemed necessary for this Corrected Request to Participate in Patent Prosecution Highway to be considered, please charge such fee to our Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

Daniel A. Geselowitz, Ph.D.
Agent for Applicant
Reg. No. 42,573

DAG/ak

Atty. Docket No. **090137**
4th Floor
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930

23850
PATENT & TRADEMARK OFFICE

Attachment: Notification of Transmittal of Copies of Translation of the International Preliminary Report on Patentability in PCT/JP2007/075023, including Written Opinion of the International Searching Authority (total 8 pages)

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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.
12/518,513	06/10/2009	Motoharu Saito	090137	6056

23850 7590 06/29/2011
KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON, DC 20005

EXAMINER
CONLEY, OI K

ART UNIT	PAPER NUMBER
1726	

MAIL DATE	DELIVERY MODE
06/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
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CT

June 28, 2011

In re application of Motoharu Saito et al Serial No. 12/518,513 Filed: June 10, 2009 For: NONAQUEOUS ELECTROLYTE SECONDARY BATTERY	: : : : : :	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 supplemental request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 22, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

30 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANIEL J SWIRSKY
55 REUVEN ST.
BEIT SHEMESH 99544
ISRAEL

In re Application of	:	
FRADKIN et al.	:	
Application No.: 12/518,539	:	DECISION
PCT No.: PCT/IL2007/001521	:	
Int. Filing Date: 10 December 2007	:	
Priority Date: 11 December 2006	:	
Attorney Docket No.: 1694-US	:	
For: FAULT PREDICTION IN ELECTRIC	:	
TRANSMISSION NETWORKS	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 13 July 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 10 December 2007, applicants filed international application PCT/IL2007/001521, which designated the United States and claimed a priority date of 11 December 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 19 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 June 2009.

On 10 June 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 October 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 05 January 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, and a declaration of facts by Daniel J. Swirsky with documents in support thereof.

On 24 May 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 13 July 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration of facts by Daniel J. Swirsky with documents in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 24 May 2010, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. It has been established that a copy of the application papers including the specification, claims, and drawings has been presented to the non-signing inventor Boris Fradkin and that he refuses to execute the application.

Declaration of Inventors

The declaration of inventors filed 05 January 2010 lists two inventors while the international application published 19 June 2008 lists one inventor. However, a Form PCT/IB/306 for the additional inventor appears with the published international application on the WIPO website.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **05 January 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

30 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Boris Fradkin
9 Hadas Street
P.O. Box 6225
44813 Oranit
ISRAEL

In re Application of
FRADKIN et al.
Application No.: 12/518,539
PCT No.: PCT/IL2007/001521
Int. Filing Date: 10 December 2007
Priority Date: 11 December 2006
Attorney Docket No.: 1694-US
For: FAULT PREDICTION IN ELECTRIC TRANSMISSION NETWORKS

Dear Mr. Fradkin:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

DANIEL J SWIRSKY
55 REUVEN ST.
BEIT SHEMESH 99544
ISRAEL

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.
12/518,561	09/25/2009	Sungjong Kim	5097-0132PUS1	6395

2292 7590 10/05/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
YANCHUK, STEPHEN J

ART UNIT	PAPER NUMBER
1729	

NOTIFICATION DATE	DELIVERY MODE
10/05/2011	ELECTRONIC

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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October 4, 2011 EL

In re application of Kim et al. Serial No. 12/518,561 Filed: June 10, 2009 For: **LITHIUM ION BATTERY OF CRIMPING SHAPE OF INCREASED SAFETY**	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed July 06, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate; and

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

35996
ROETZEL & ANDRESS
Las Olas Centre II, Suite 1150
350 East Las Olas Blvd.
P.O. Box 30310
Fort Lauderdale, FL 33303-0310

MAILED

SEP 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
EMALFARB *et al*
Application No.: 12/518,595
PCT No.: PCT/US2007/087020
Int. Filing Date: 12 December 2007
Priority Date: 10 December 2006
Attorney Docket No.: 5671-2-PUS
For: EXPRESSION AND HIGH-THROUGHPUT SCREENING OF COMPLEX EXPRESSED DNA LIBRARIES IN FILAMENTOUS FUNGI

DECISION

This is a decision on the declaration filed on 01 March 2010 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 27 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (PCT/DO/EO/905) requesting additional claim fees, an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available.

On 01 March 2010, applicants filed a response which was accompanied by, *inter alia*, a power of attorney, a two-month extension and fee, additional claim fees, a surcharge fee, an ADS, a preliminary amendment, and a declaration executed by five inventors and a legal representative on behalf of a deceased inventor.

On 27 July 2010, a power of attorney and a statement under 37 CFR 3.73(b) was filed changing the correspondence address to the practitioners associated with customer number 20277.

On 08 December 2010, the power of attorney and a statement under 37 CFR 3.73(b) filed 27 July 2010 was resubmitted.

On 21 January 2011, the power of attorney and a statement under 37 CFR 3.73(b) originally filed 27 July 2010 was again resubmitted.

On 04 August 2011, a power of attorney and a statement under 37 CFR 3.73(b) was filed changing the correspondence address to the practitioners associated with customer number 35996.

On 22 August 2011, a request for status was filed.

DISCUSSION

Applicants provided a declaration executed by the legal representative of deceased co-inventor, Jan VERDOES.

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The name and citizenship of all the inventors are recorded on the declaration as required by 37 CFR 1.497(a)(3). The citizenship, residence and address of the legal representative, Jacoba VAN DER MEIJ is listed on the "DECLARATION Supplemental Sheet" pursuant to 37 CFR 1.497(b)(2).

It is noted that the declaration is considered a composite declaration and contains noninitialed changes on the address of co-inventor, Richard P. BURLINGAME.

Composite declarations are not in accordance with MPEP § 201.03 (Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.). Noninitialed declarations are not in accordance with MPEP § 605.04(a) (The Office will require a new oath or declaration if the alterations are not initialed and dated.).

Regardless, the declaration is sufficient for purposes of entry into the U.S. national stage provided the requirements of 37 CFR 1.497(a) and (b) are satisfied. *See* 37 CFR 1.497(c). Acceptance of a composite declaration and/or noninitialed declaration as sufficient for purposes of 35 U.S.C. 371(c) does not prohibit the examiner from requiring correction at a later date.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 December 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 01 March 2010.

This application is being forwarded to the National Stage Processing Division of

the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 18, 2012

In re Application of :

Gershon Elber

Application No : 12518606

Filed : 08-Sep-2009

Attorney Docket No : LUZ058PU

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 18, 2012

The request is **APPROVED**

The request was signed by Thomas F. Marsteller, Jr. (registration no. 29672) on behalf of all attorneys/agents associated with Customer Number 22948 . All attorneys/agents associated with Customer Number 22948 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 22948 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12518606
Filing Date	08-Sep-2009
First Named Inventor	Gershon Elber
Art Unit	2628
Examiner Name	TIZE MA
Attorney Docket Number	LUZ058PU
Title	SMOOTH SHADING AND TEXTURE MAPPING USING LINEAR GRADIENTS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22948

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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 22948

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/T F Marsteller, Reg No 29672/
Name	Thomas F. Marsteller, Jr.
Registration Number	29672

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1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

MAILED

FEB 16 2011

PCT LEGAL ADMINISTRATION

In re Application of PERNER et al :
U.S. Application No.: 12/518,658 :
PCT Application No.: PCT/EP2007/010679 :
Int. Filing Date: 07 December 2007 :
Priority Date Claimed: 20 December 2006 : DECISION
Attorney Docket No.: RUF-09-1160 :
For: GALVANIC ELEMENT WITH COMPOSITE :
OF ELECTRODES, AND SEPARATOR :
FORMED BY AN ADHESIVE :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 12 April 2010.

BACKGROUND

On 07 December 2007, applicant filed international application PCT/EP2007/010679, which claimed priority of an earlier Germany application filed 20 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2009.

On 11 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 April 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, the declarations filed with the petition are not acceptable. In particular, page 3 of the declarations is illegible.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged

> in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition fails to state whether joint inventor Dejan Ilic cannot be found or refuses to sign. Petitioner has not provided English translations of Exhibits B and C. Proof that inventor Ilic refused receipt of the letters shown in Exhibit A would constitute evidence of a refusal to sign. Conversely, indications that Ilic no longer lives at the last known address would be evidence of his unavailability. Petitioner is advised that an assertion of unavailability must also be supported by evidence of additional attempts to locate inventor Ilic, such as by telephone, by electronic mail, by searching directories, and by contacting the other inventors.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

MAILED
JUN 30 2011
PCT LEGAL ADMINISTRATION

In re Application of PERNER et al	:	
U.S. Application No.: 12/518,658	:	
PCT Application No.: PCT/EP2007/010679	:	
Int. Filing Date: 07 December 2007	:	
Priority Date Claimed: 20 December 2006	:	DECISION
Attorney Docket No.: RUF-09-1160	:	
For: GALVANIC ELEMENT WITH COMPOSITE	:	
OF ELECTRODES, AND SEPARATOR	:	
FORMED BY AN ADHESIVE	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 09 May 2011.

BACKGROUND

On 07 December 2007, applicant filed international application PCT/EP2007/010679, which claimed priority of an earlier Germany application filed 20 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2009.

On 11 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 April 2010, applicant filed a petition under 37 CFR 1.47(a).

On 16 February 2011, this Office mailed a decision dismissing the 12 April 2010 petition.

On 15 March 2011, the USPTO mailed a Notice of Abandonment.

On 09 May 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (3) and (4) above.

With regard to item (1) above, the renewed petition includes declarations executed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that joint inventor Dejan Ilic cannot be found. Petitioner has adequately demonstrated that a diligent effort was made to locate Ilic. Specifically, applicant attempted to reach Ilic by postal mail, by searching telephone and internet directories, and by contacting Ilic's former employer. Thus, it can be concluded with reasonable certainty that Ilic cannot be found.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The Notice of Abandonment mailed 15 March 2011 was sent in error and is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 May 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Dejan Ilic
Badgasse 5/26
73479 Ellwangen
GERMANY

MAILED
JUN 30 2011
PCT LEGAL ADMINISTRATION

In re Application of PERNER et al
U.S. Application No.: 12/518,658
PCT Application No.: PCT/EP2007/010679
Int. Filing Date: 07 December 2007
Priority Date Claimed: 20 December 2006
For: GALVANIC ELEMENT WITH COMPOSITE OF ELECTRODES, AND SEPARATOR FORMED BY AN ADHESIVE

Dear Dejan Ilic:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103
Attorney Docket No.: RUF-09-1160

30 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

29157
K&L GATES LLP
P.O. Box 1135
Chicago, IL 60690

In re Application of
GUGERLI *et al*
U.S. Application No.: 12/518,675
PCT No.: PCT/EP2007/063391
Int. Filing Date: 06 December 2007
Priority Date: 11 December 2006
Attorney Docket No.: 3712036-00985
For: DEVICE AND METHOD FOR PRODUCING A FROTHED LIQUID FROM SOLUBLE INGREDIENTS AND DILUENT

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 12 July 2010.

BACKGROUND

On 13 May 2010, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Petitioners were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 12 July 2010, applicants filed the subject response which was accompanied by, *inter alia*, an updated statement of facts and documentary evidence (Exhibits A - G) in support of the petition.

DISCUSSION

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (2) and (3) of 37 CFR 1.47(a) were not satisfied[1] in the initial petition.

---

[1] Regarding item (2) of 37 CFR 1.47(a), applicants failed to show that a complete copy of the application (specification, claims and drawings) was presented to the nonsigning inventor. In addition, applicants failed to provide an English translation of several exhibits. Concerning item (3) of 37 CFR 1.47(a), applicants did not provide the last known address of the nonsigning inventor.

In the renewed response, applicants submitted an updated statement of facts by Ms. Ducreux in which she states that "a complete copy of the application and Declaration and Assignment was sent to Mr. GUGERLI by return receipt for his signature." A copy of the cover letter was provided as Exhibit F. Applicants claim that Mr. GUGERLI received the documents on May 25, 2010. The nonsigning inventor has not responded.

A review of the renewed petition show that the documents mailed 20 May 2010 were sent to Mr. GUGERLI by registered mail to the following address: Ch. Des Nuyerattes 1,1272 GENOLIER. The letter was delivered over the counter on 25 May 2010. According to Ms. Ducreux, the nonsigning inventor has not responded (as of the date of signing the updated statement of facts 07 July 2010). This conduct is sufficient to show a refusal pursuant to MPEP § 409.03(d)(II).

Item (2) of 37 CFR 1.47(a) is now satisfied.

With regards to item (3) of 37 CFR 1.47(a), the address of the nonsigning inventor was listed as Böcklinstrasse 22-8032 Zürich in the email dated 20 February 2008 (Exhibit D). However, the documents mailed 20 May 2010 were sent to a different address. Applicants did not explicitly provide the last known address of the nonsigning inventor in the updated statement of facts, or in the petition. Moreover, there was there no explanation why the documents mailed 20 May 2010 were sent to the different address.

Petitioners are required to provide the last known address of the nonsigning inventor in a petition under 37 CFR 1.47. *See* MPEP § 409.03(e). The inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary in situations where the inventor does not execute the declaration. *See* MPEP § 605.03. Accordingly, applicants must provide the last known address of Mr. GUGERLI for a grantable petition under 37 CFR 1.47(a).

For this reason, item (3) of 37 CFR 1.47(a) is still not satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions

of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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K&L GATES LLP
P.O. Box 1135
Chicago, IL 60690

MAILED

DEC 10 2010

PCT LEGAL ADMINISTRATION

In re Application of
GUGERLI *et al*
U.S. Application No.: 12/518,675
PCT No.: PCT/EP2007/063391
Int. Filing Date: 06 December 2007
Priority Date: 11 December 2006
Attorney Docket No.: 3712036-00985
For: DEVICE AND METHOD FOR PRODUCING A FROTHED LIQUID FROM SOLUBLE INGREDIENTS AND DILUENT

DECISION

This decision is in response to applicants' second renewed petition under 37 CFR 1.47(a) filed 20 October 2010.

BACKGROUND

On 30 August 2010, a decision dismissing applicant's renewed petition under 37 CFR 1.47(b) was mailed. Petitioners were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 20 October 2010, applicants filed the subject response which was accompanied by, *inter alia*, an updated statement of facts, and documentary evidence in support of the petition (Exhibits A - G).

DISCUSSION

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor. Item (3) of 37 CFR 1.47(a) is not yet satisfied.

In the renewed response, applicants submitted an updated statement of facts by Ms. Ducreux in which she provides the last known address of Mr. GUGERLI. This address is listed as:

Ch. Des Nuyerattes 1, 1272 Gnollier, Switzerland[1].

All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 December 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 January 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The city in Switzerland is actually spelled Genolier. *See* Exhibit F.

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Raphael Gugerli
Ch. Des Nuyerattes 1,
1272 Genolier,
Switzerland

MAILED

DEC 10 2010

PCT LEGAL ADMINISTRATION

In re Application of
GUGERLI *et al*
U.S. Application No.: 12/518,675
PCT No.: PCT/EP2007/063391
Int. Filing Date: 06 December 2007
Priority Date: 11 December 2006
Attorney Docket No.: 3712036-00985
For: DEVICE AND METHOD FOR PRODUCING A FROTHED LIQUID FROM SOLUBLE INGREDIENTS AND DILUENT

Mr. Gugerli:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

K&L GATES LLP
P.O. Box 1135
Chicago, IL 60690

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P.O. Box 1450
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HUSCH BLACKWELL DANDERS LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED

DEC 01 2010

OFFICE OF PETITIONS

Applicant: Notte, et al.
Appl. No.: 12/518,694
International Filing Date: December 11, 2007
Title: REACTIVE PHOSPHONATES
Attorney Docket No.: 60079.10
Pub. No.: US 2010/0063316 A1
Pub. Date: March 11, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 12, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the publication wherein the "CROSS-REFERENCE TO RELATED APPLICATIONS" was not published

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). [2] The "failure to include an

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

amendment is not an Office error," See MPEP 1130(B). Furthermore, the cross reference information is listed on the front page of the publication.

Since 1997, the Office has encouraged applicants to file patent applications under 35 U.S.C. 111(a), especially continuation and divisional applications, without preliminary amendments by including any desired changes as part of the specification and drawings of the new application. In order to have a patent application publication of a continuation or divisional application contain only a desired set of claims, rather than the set of claims in the prior application, the Office strongly recommended that the continuation or divisional application be filed under 37 CFR 1.53(b) with a new specification containing only the desired set of claims. [3]

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

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

[3] See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/518,775	08/21/2009	Francois Cros	SPT0480.002	7993

26629 7590 06/02/2011
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

EXAMINER
LEE, SHUN K

ART UNIT	PAPER NUMBER
2884	

NOTIFICATION DATE	DELIVERY MODE
06/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

klb@zpspatents.com
info@zpspatents.com
sml@zpspatents.com

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Alexandria, VA 22313-1450
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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON WI 53074

In re Application of	
CROS et al.	
Application No.: 12/518,775	**: DECISION ON REQUEST TO**
Filed: 21 August 2009	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: SPT0480.002	**: PROSECUTION HIGHWAY**
For: ONLINE SENSOR FOR	**: PROGRAM AND PETITION**
MONITORING CHEMICAL	**: TO MAKE SPECIAL UNDER**
CONTAMINATIONS IN HYDRAULIC	**: 37 CFR 1.102(a)**
FLUIDS	

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 April 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA, 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 DPMA, 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 DPMA, 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 DPMA application(s), and
   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 DPMA application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
      ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
   b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet condition (3).

Regarding the requirement of condition (3), Applicant has failed to ensure that all claims in the US application sufficiently correspond to the allowed/patentable claims of the DMPA application. For example, US claim 1 does not correspond to DPMA claim 1 since US claim 1 lacks "is arranged in the hydraulic system or an aircraft." It would appear that this limitation was specifically added to DPMA claim 1 to avoid the prior art (see office action dated 18 December 2007).

Applicant is given <u>**ONE**</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document 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 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/518,775	08/21/2009	Francois Cros	SPT0480.002	7993

26629 7590 07/06/2011
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

EXAMINER
LEE, SHUN K

ART UNIT	PAPER NUMBER
2884	

NOTIFICATION DATE	DELIVERY MODE
07/06/2011	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):

klb@zpspatents.com
info@zpspatents.com
sml@zpspatents.com

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON WI 53074

In re Application of
CROS et al.
Application No.: 12/518,775
Filed: 21 August 2009
Attorney Docket No.: SPT0480.002
For: ONLINE SENSOR FOR MONITORING CHEMICAL CONTAMINATIONS IN HYDRAULIC FLUIDS

: 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 April 2011 and renewed 01 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application 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 DPMA, 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 DPMA, 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 DPMA, 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 DPMA application(s), and
   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 DPMA application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
      ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
   b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
   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 - Semiconductors,
Electrical & Optical Systems & Components

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RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

MAILED
JUN 08 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
KORMOCI, et al.	:	
Application No.: 12/518,827	:	DECISION
PCT No.: PCT/EP2007/010560 (as corrected)	:	
Int. Filing Date: 05 December 2007	:	
Priority Date: 11 December 2006	:	
Attorney's Docket No.: 66835-0082	:	
For: COATING SYSTEM AND METHOD FOR THE SERIES COATING OF WORKPIECES	:	

This decision is issued in response to applicant's "RESPONSE TO NOTIFICATION AND PETITION UNDER 37 CFR 1.182" filed 27 May 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 March 2011, applicant was mailed a communication detailing the discrepancy between international application number entered during the electronic filing of the application and other filing papers such as the transmittal letter.

On 27 May 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/EP2007/010560. An examination of the papers filed 11 June 2009 finds that this international application number was listed on the filed preliminary amendment. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 11 June 2009 and to permit such materials to be treated as having been directed to international application PCT/EP2007/010560.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data

have been corrected and are now associated with PCT/EP2007/010560.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/518,875	06/11/2009	Yuji Yamaguchi	KKI09309PCTUS	8727

50488 7590 03/11/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

EXAMINER
DECADY, ALBERT

ART UNIT	PAPER NUMBER
2121	

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.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND OR 97205-3335

In re Application of: YAMAGUCHI et al.
Application No. 12/518,875
Attorney Docket #: **KKI09309PCTUS**
Filed: June 11, 2009
For: **FLOW RATE RATIO CONTROL DEVICE**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed ~~July 12~~, 2010 to make the above-identified application special. December 17,

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fails to meet item 3 of the requirements listed above.

Specifically, Item 3 states that Applicant must: ensure all the claims in the U.S. application sufficiently correspond or are amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). However, the claims in the US application seem to be of a different scope that the counterpart claims in the Japanese application. For instance, Claim 1 of US application recites "a valve control section adapted to control one of the control valves provided in one of the branch channels so as to make a pressure on an upstream side of the control valve equal to a given target pressure, and upon the pressure ***exceeding a vicinity of the target pressure***, start to control other of the control valves so as to make flow rate ratios of the respective branch channels equal to predetermined ratios", whereas the claim 1 of the JP application recites "a valve control section adapted to control one of the control valves provided in one of the branch channels so as to make a pressure on the upstream side of the control valve equal to a given target pressure, and upon the pressure exceeding ***a pressure lower than the target pressure by a predetermined value***, start to control other of the control vanes so as to make flow rate ratios of the respective branch channels equal to predetermined ratios".

Similar differences are also found in claim 3 of the applications.

The above are just illustrations of the claim language making a difference in scope of the respective claims. Applicants must review all the claims in the instant US application, and make sure they are amended to correspond in scope with the corresponding allowed claims in the Japanese application.

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
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.
12/518,875	06/11/2009	Yuji Yamaguchi	KKI09309PCTUS	8727

50488 7590 04/26/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

EXAMINER
GARLAND, STEVEN R

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND OR 97205-3335

In re Application of: YAMAGUCHI et al.
Application No. 12/518,875
Attorney Docket #: **KKI09309PCTUS**
Filed: June 11, 2009
For: **FLOW RATE RATIO CONTROL DEVICE**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 11, 2011to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/518,933	Filing date:	June 12, 2009
First Named Inventor:	Robert Long		
Title of the Invention:	Fire Suppression System and Method Thereof		

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/US2007/087516

The international date of the corresponding PCT application(s) is/are: December 14, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/518,933
First Named Inventor:	Robert Long

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on July 1, 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 _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1, 8	
2, 5, 6, 20		Dependent upon claim 1
9	9, 10	
11		Dependent upon claim 9
14-19	14-19	
21	1, 3	
22	1, 4	
23	1, 7	
24	9, 12	
3, 4, 7, 8, 10, 12		Cancelled

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Scott P. Ryan/	Date	10/07/2010
Name (Print/Typed)	Scott P. Ryan	Registration Number	59535

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.
12/518,933	06/12/2009	Robert A. Long	ECO003 P301	9141

277 7590 10/08/2010
PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

ART UNIT	PAPER NUMBER
3752	

MAIL DATE	DELIVERY MODE
10/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS MI 49501

In re Application of:
LONG, ROBERT A.
Application No.: 12/518,933
Filed: June 12, 2009
Docket: EC0003P301
Title: FIRE SUPPRESSION SYSTEM AND METHOD THEREOF

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 7, 2010 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are **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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition do not comply with the above requirements. The request to participate in the PPH program and petition fails to include Items #1, #3 and #5.

The oath or declaration filed on June 12, 2009 fails to disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the KIPO application. The Claims Correspondence Table in the petition is deficient. It is unclear how the KIPO/PCT allowable claims 3-4, 7-8, 10, 12 and 14-19 become "sufficient corresponding" to the US claims 1, 2, 5, 6, 20, 9, 11, 14-20 and newly added independent claims 21-24. It is noted the PCT certified copy of foreign priority document filed on June 12, 2009 shows only 10 claims. It is unclear how the KIPO/PCT would allow claims 3-4, 7-8, 10, 12 and 14-19. A copy of KIPO/PCT allowed claims 3-4, 7-8, 10, 12 and 14-19 is required for verification and comparison purposes. Thus, Item #3 is not satisfied and for this reason the petition can not be granted.

With regard to Item #5, a copy of PCT amendment adding claims 11-19 is required. The applicant is requested to explain how the original 10 claims filed in the PCT /US2007/087516 resulted in 19 claims in KIPO/PCT search opinion.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. The application will be forwarded to the examiner for action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/518,933	06/12/2009	Robert A. Long	ECO003 P301	9141

277 7590 02/23/2011
PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER
MCGRAW, TREVOR EDWIN

ART UNIT	PAPER NUMBER
3752	

MAIL DATE	DELIVERY MODE
02/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS MI 49501

In re Application of:
LONG, ROBERT A.
Application No.: 12/518,933
Filed: June 12, 2009
Docket: EC0003P301
Title: FIRE SUPPRESSION SYSTEM AND METHOD THEREOF

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed Nov. 2, 2010 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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 Len Tran, the SPE of Art Unit 3752 and 571-272-4965 for Class 169/46 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 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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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of :
Shevgoor, et al. :
Application No. 12/518,946 : ON PETITION
Filed: June 12, 2009 :
Attorney Docket No. **DOTY.P-045-USNP**

This is a decision on the renewed petition under 37 CFR 1.182, filed May 25, 2010, to change the order of the inventors cited on this application in USPTO records.

The petition is **granted.**

The order of the inventors is now as follows:

1. Siddarth Shevgoor
2. F. David Doty

A corrected filing receipt is enclosed.

The application file is being directed to the Office of Data Managaement for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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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
12/518,946	06/12/2009	2831	490	DOTY.P-045-USNP	16	1

CONFIRMATION NO. 9222

CORRECTED FILING RECEIPT

57380
Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

OC000000043431839

Date Mailed: 09/10/2010

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)

Siddarth Shevgoor, Columbia, SC;
F. David Doty, Columbia, SC;

Assignment For Published Patent Application

DOTY SCIENTIFIC, INC., Columbia, SC

Power of Attorney: The patent practitioners associated with Customer Number 57380

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/85040 11/18/2007
which claims benefit of 60/869,284 12/08/2006

Foreign Applications

If Required, Foreign Filing License Granted: 10/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/518,946**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

NMR CRYOMAS PROBE FOR HIGH-FIELD WIDE-BORE MAGNETS

Preliminary Class

324

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).

1 0 AUG 2010

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Alexandria, VA 22313-1450

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of:	
KELLER, Hans, Gerd, et al.	DECISION ON PETITION
U.S. Application No.: 12/518,994	(37 CFR 1.137(b))
PCT Application No.: PCT/EP2007/062718	
International Filing Date: 22 November 2007	
Priority Date: 22 December 2006	
Attorney Docket No.: 2006PO2195WOUS	
For: REFRIGERATION DEVICE COMPRISING A DOOR-OPENING AID	

This decision is issued in response to applicants' petition for revival under 37 CFR 1.137(b) filed 23 July 2010. Applicants have paid the applicable petition fee.

BACKGROUND

On 22 November 2007, applicants filed international application PCT/EP2007/062718. The international application claimed a priority date of 22 December 2006, and it designated the United States. On 03 July 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the U.S. basic national fee was thirty months from the priority date, i.e., 22 June 2009.

On 12 June 2009, applicants filed a request for entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 23 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 23 July 2010, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration, payment of the required surcharge, an authorization to charge Deposit Account No. 50-2786 for any required fees, and a petition for revival of the application under 37 CFR 1.137(b).

DISCUSSION

The Notification Of Missing Requirements mailed 23 December 2009 provided applicants with a two month response deadline, and it indicated that the failure to properly respond would result in abandonment. The Notification also states that the "time period set forth above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a)."

Applicants filed a response to the Notification Of Missing Requirements (including the required declaration and surcharge payment) on 23 July 2010, five months after the expiration of the two month response deadline. However, under 37 CFR 1.136(a), applicants may obtain up to a five-month extension of time with respect to this response deadline. Pursuant to the authorization to charge required fees contained in the materials filed by applicants on 23 July 2010, Deposit Account No. 50-2786 will be charged the $2,350 fee required for the five-month extension.

In view of the above five-month extension, applicants' 23 July 2010 response to the Notification Of Missing Requirements is considered timely. Accordingly, the present application did not go abandoned for failure to timely respond to the Notification, and applicants' petition for revival of the application under 37 CFR 1.137(b) is appropriately dismissed as moot. The petition fee submitted with this unnecessary petition will be refunded to Deposit Account No. 50-2786.

CONCLUSION

The petition for revival of the international application under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

Deposit Account No. 50-2786 will be charged the $2,350 fee for the five-month extension of time required for the 23 July 2010 submission to be considered a timely response to the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 23 December 2009, thereby avoiding abandonment of the present application.

The $1,620 petition fee submitted with the unnecessary petition for revival will be refunded to Deposit Account No. 50-2786.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 July 2010.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/519,129	08/03/2009	Erwin Brunnhofer	TEC002-00006	1426

EXAMINER
LILLIS, EILEEN DUNN

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J-TEK LAW PLLC
601 Pennsylvania Avenue, NW
Suite 900, South Building
Washington, DC 20004

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
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RESEARCH TRIANGLE PARK NC 27709

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PCT LEGAL ADMINISTRATION

In re Application of	:	
SAXENA, Manish	:	
U.S. Application No.: 12/519,137	:	
PCT No.: PCT/IN2007/000557	:	DECISION
Int. Filing Date: 28 November 2007	:	
Priority Date: 12 December 2006	:	
Attorney's Docket No.: VRL-106	:	
For: HERBAL FORMULATION FOR WOUND HEALING	:	

This decision is issued in response to applicants' payment of large entity fees filed 16 May 2011 in the United States Patent and Trademark Office (USPTO). The paper is being treated pursuant to 37 CFR 1.28(c). No petition fee is required.

BACKGROUND

On 12 June 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by the basic national fee for a small entity; an Application Data Sheet; and a preliminary amendment.

On 16 May 2011, applicants filed the paper discussed herein accompanied by a fee payment of $590.00.

DISCUSSION

In the request for change in status filed 16 May 2011, applicants state that upon further review large entity fees should have been paid and that there was "no intent of deception in the payment at small entity fee rates."

37 CFR 1.28(c) provides:

> that if small entity status is established in good faith and the small entity fees are paid in good faith, and it later discovered that such

> status as a small entity was established in error or through the Office was not notified of a change, the error will be excused upon compliance with the separate submission and itemization requirements of 37 CFR 1.28(c)(1) and (c)(2) and the deficiency payment requirement of 37 CFR 1.28(c)(2) is calculated using the date on which deficiency was paid in full.

Applicants have fulfilled the requirements set forth in 37 CFR 1.28(c) and counsel's has submitted the appropriate fees under 37 CFR 1.492.

CONCLUSION

The request under 37 CFR 1.28(c) is **GRANTED**.

This application is being returned to Group Art Unit 1655 for continued examination.

Derek A. Putonen
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3294

1 6 AUG 2010

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re Application of	:	
RAMSDALE et al.	:	
Application No.: 12/519,199	:	DECISION
PCT No.: PCT/AU2006/001931	:	
Int. Filing Date: 19 December 2006	:	
Priority Date: None	:	
Attorney Docket No.: 25040-4075	:	
For: TRANSACTION SYSTEM FOR USE IN	:	
AUTHORISING CASHLESS TRANSACTIONS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 13 May 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 19 December 2006, applicants filed international application PCT/AU2006/001931, which designated the United States and did not claim a priority date. A copy of the international application was communicated from the International Bureau to the USPTO on 26 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 June 2009.

On 02 July 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 15 February 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a twp-month extension of time, a declaration of inventors, a declaration of facts by Brendan Bourke with documents in support thereof.

On 15 March 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 13 May 2010, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of facts by Daniel Warren, a copy of a letter to Mr. Ramsdale dated 01 April 2010, a copy of proof of delivery of said letter, a copy of a letter to Mr. Dompietro dated 01 April 2010, and a copy of proof of delivery of said letter.

On 16 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort still had not been provided because the statement of facts provided was not by the person who sent the application papers to the inventor, i.e., David Webber.

On 07 July 2010, the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, inter alia, a declaration of facts by David Webber.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 15 March 2010, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. It has been established that non-signing inventors Mr. Ramsdale and Mr. Dompietro have been presented with the application papers. Mr. Ramsdale's conduct constitutes a refusal to sign as does Mr. Dompietro's.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded

to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **15 February 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

16 AUG

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Mr. Gino Dompietro
68 Regent Street
Elsternwick
Victoria 3185
Australia

In re Application of
RAMSDALE et al.
Application No.: 12/519,199
PCT No.: PCT/AU2006/001931
Int. Filing Date: 19 December 2006
Priority Date: None
Attorney Docket No.: 25040-4075
For: TRANSACTION SYSTEM FOR USE IN AUTHORISING CASHLESS TRANSACTIONS

Dear Mr. Dompietro:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

: 6 AUG 2010

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Mr. David Ramsdale
525 Collins Street
Melborne
Victoria 3000
Australia

In re Application of
RAMSDALE et al.
Application No.: 12/519,199
PCT No.: PCT/AU2006/001931
Int. Filing Date: 19 December 2006
Priority Date: None
Attorney Docket No.: 25040-4075
For: TRANSACTION SYSTEM FOR USE IN AUTHORISING CASHLESS TRANSACTIONS

Dear Mr. Ramsdale:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
SAKAGUCHI, Masami, et al.
Application No.: 12/519,200
PCT No.: PCT/JP2008/002886
Int. Filing Date: 10 October 2008
Priority Date: 16 October 2007
Attorney Docket No.: P36794
For: BROADCAST RECEIVING APPARATUS, AND METHOD AND PROGRAM FOR BROADCAST RECEPTION

DECISION ON

PETITION

UNDER 37 CFR 1.182

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 15 June 2009.

BACKGROUND

On 15 June 2009, applicants submitted a transmittal letter to the United States Designated/Elected Office, accompanied by, *inter alia*, the basic national fee, a declaration of the inventors and a petition under 37 CFR 1.182.

DISCUSSION

The fee for a petition under 37 CFR 1.182 has been paid. Applicant has supplied a statement signed by Masami Sakaguchi stating that she has changed her name subsequent to her marriage and was formerly known as Masami Masuda.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Medrad Patents & Trademarks
One Medrad Drive
INDIANOLA PA 15051

In re Application of
KALAFUT et al.
App. No.: 12/519,213
PCT No.: PCT/US07/26194
Int. Filing Date: 21 December 2007
Priority Date: 29 December 2006
Attorney Docket No.: CT/06-045.PCT.US
For: PATIENT-BASED PARAMETER GENERATION SYSTEMS.....

DECISION

This is a decision in response to applicant's "Request for Refund of Excess Claims Fees Paid and Restatement of Claims" filed in the United States Patent and Trademark Office on 23 June 2010.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/US07/26194, which claimed priority of an earlier U.S. application filed 29 December 2006. The international application included 98 claims. The thirty-month period for paying the basic national fee in the United States expired on 29 June 2009.

On 15 June 2009, applicant filed a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form DO/EO/US 1390) requesting U.S. national stage entry for the PCT application. The submission was accompanied by the basic national fee and authorization to charge any additional fees which may be required to applicant's deposit account. Thereafter, applicant's deposit account was charged for the originally filed claims.

On 22 January 2010, a Notification of Acceptance was mailed to applicant.

On 23 June 2010, applicant filed the instant request for refund of excess claims fees and restatement of claims.

DISCUSSION

Applicant explains that with his initial request for entry into the U.S. National Stage, he also submitted twenty claims, containing one independent claim with no multiple dependent claims. However, applicant did not identify these amended claims as a preliminary amendment in the initial national stage filing.

A review of the application file reveals that applicant filed a substitute specification. However, pursuant to 37 CFR 1.125, the substitute specification does not permit inclusion of claims as part of the substitute specification (unless specifically requested by the examiner). Thus, the substitute specification claim set was improper and ineffective to reduce the number of claims.

MPEP 1893.01(c) states that a *preliminary amendment* accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent

claims will be effective to reduce the number of claims to be considered in calculating extra claim fees....A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. Here, applicant did not submit a preliminary amendment with the initial national stage application to reduce the number of claims to be considered. The fees for the claims were charged per applicant's authorization. Moreover, given that the fees paid were for the claims as initially filed, the fees were not paid in excess or by mistake as set forth in 37 CFR 1.26. Thus, the request for a refund is dismissed.

CONCLUSION

For the reasons above, the request for refund is **DISMISSED**.

This application is being returned to Technology Center AU 3769.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
571-272-3286

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One Medrad Drive
INDIANOLA PA 15051

In re Application of
KALAFUT et al.
App. No.: 12/519,213
PCT No.: PCT/US07/26194
Int. Filing Date: 21 December 2007
Priority Date: 29 December 2006
Attorney Docket No.: CT/06-045.PCT.US
For: PATIENT-BASED PARAMETER GENERATION SYSTEMS FOR MEDICAL INJECTION PROCEDURES

DECISION ON

PETITIONS UNDER

37 CFR 1.181,1.182 and 1.183

This is a decision in response to applicant's "Petition for Request for Refund of Excess Claims Fees Paid and Restatement of Claims" pursuant to 37 CFR 1.181, 1.182 and 1.183, filed in the United States Patent and Trademark Office (USPTO) on 26 May 2011. The $400 petition fee was paid.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/US07/26194, which claimed priority of an earlier U.S. application filed 29 December 2006. The international application included 98 claims.

On 15 June 2009, applicant filed a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form DO/EO/US 1390) requesting U.S. national stage entry for the PCT application. The Transmittal letter indicated that a substitute specification was included (Box 18). Box 15 of the Transmittal letter was not checked to indicate that a first preliminary amendment was included. The submission was accompanied by the basic national fee and authorization to charge any additional fees which may be required to applicant's deposit account. Thereafter, applicant's deposit account was charged for the 98 claims originally filed.

On 22 January 2010, a Notification of Acceptance was mailed to applicant.

On 7 June 2010, applicant was advised that a request for refund of $15,598 was denied because no preliminary amendment was submitted at the time of filing to cancel the multiple dependent claims found in the originally filed international application.

On 23 June 2010, applicant filed a request for refund of excess claims fees in the amount of $16,118 and a restatement of the claims. On 23 February 2011, a decision dismissing the request for refund was mailed to applicant, explaining that under 37 CFR 1.125, the substitute specification claim set was improper and ineffective to reduce the number of claims. The decision also indicated that the fees paid for the claims initially filed were not paid in excess or by mistake as set forth in 37 CFR 1.26. The decision cited to MPEP 1893.01(c), stating that a subsequently filed amendment canceling claims and/or eliminating multiple dependent claims

did not entitle applicant to a refund of fees previously paid.

DISCUSSION

Applicant petitions under 37 CFR 1.181 and 1.182 fora refund in the amount of $16,118 (the total of $440 extra independent claims, $15,288 extra claims fees in excess of 20 (294), $390 multiple dependent claims). Applicant argues that the USPTO "mistakenly based its fee calculation" on the larger number of claims listed in the international application, rather than the 20 claims submitted with national stage entry. Further, applicant believes that a "refund is proper here as such matters must be decided in a fair, impartial and equitable manner." In arguing for a refund, applicant relies on 35 U.S.C. 42(a) and 37 CFR 1.26. In effect, Applicant asks that the USPTO treat the 20 claims filed with the request for entry into the national stage as a proper preliminary amendment to the application. In the alternative, Applicant petitions under 37 CFR 1.183, asserting that the facts of the present case present justify waiver of any rule that would require payment of the excess claims fees in question. Applicant's arguments are addressed below.

Improper Preliminary Amendment

Petitioner acknowledges that the international application PCT/US2007/26194 was filed with 98 claims including independent and dependent claims in multiple dependent claim format. The filing date of a U.S. national stage application under 35 U.S.C. 371 is the international filing date of the international application of which it is the national phase. See 35 U.S.C. 363. Thus, the specification, including claims, and drawings filed as the international application form the original specification and drawings of the national stage application . Amendments to the national phase application may be made either through amendments to the international application in the international phase (via amendments under PCT Article 19 or 34), or via a proper preliminary amendment in the national phase. In this case, the originally filed international application contained 98 claims and the claims were not amended in the international phase.

As an initial matter, it is noted that Petitioner refers to various sections of the MPEP citing to 37 CFR 1.115(a)(1) and quotes the following language from the rule: "*[a] preliminary amendment present on the filing date of the application (e.g., filed along with the filing of the application) is considered part of the original disclosure.*" Petition at ¶ 10. To the extent that Petitioner is suggesting that the substitute specification filed with the national stage submission forms part of the original disclosure of the national stage application and thus must be entered, Petitioner is mistaken. In this regard, note MPEP 714.01(e), which states, in pertinent part:

> *A preliminary amendment filed with a submission to enter the national stage of an international application under 35 U.S.C. 371 is not part of the original disclosure under 37 CFR 1.115(a) because it was not present on the international filing date accorded to the application under PCT Article 11. See MPEP § 1893.03(b).* ***

Petitioner argues that the Office erred in not basing claim fees on the substitute specification included in the initial 371 submission. To this end, Petitioner argues that a substitute specification is an amendment (¶ 8), and that "[t]he MPEP does not include a blanket prohibition on the inclusion of new or amended claims in a substitute specification." (¶9). Accordingly, Petitioner argues that the requirements of the MPEP, in particular MPEP 1893.01(c), were substantively complied with. MPEP 1893.01(c) states in relevant part,

> *A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will*

be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f).

At issue is whether the substitute specification filed with the initial national stage submission was a proper preliminary amendment. Petitioner is mistaken that a voluntarily submitted substitute specification may include claims. The rules governing the submission of substitute specifications clearly prohibit the inclusion of claims in a substitute specification. See 37 CFR 1.121(b)(3)[1] and 1.125(b).[2] The MPEP sections 608.04(b) and 714.01(e) referenced in (¶9) are not *contra*. Those sections simply suggest avoiding the filing of a preliminary amendment *on the filing date of the application* by including the amendatory material directly into the originally filed specification. These MPEP sections do not state that a *substitute* specification is permitted to include claims.

Nor do the claims of the substitute specification comply with the requirements of 37 CFR1.121(c)[3] applicable to claim amendments. Applicant did not mark consecutive claims having the same status of "canceled" or "not entered" into one statement (e.g., Claims 1–5 (canceled)). Cancellation of a claim must be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim. Applicant did not file a marked-up copy of the 98 claims, identifying which claims were canceled or which claims eliminated multiple dependencies.

Although applicant may have sought to reduce the number of claims for examination at the time of national stage entry, the initial national stage submission on 15 June 2009 did not include a proper preliminary amendment with the initial national stage application to reduce the number of claims to be considered. The fees charged at the time of filing were for the claims as filed in the international application and were charged per applicant's authorization. Since applicant did not file

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[1] 37 CFR 1.121(b)(3) states:

> *Amendment by substitute specification.* The specification, <u>other than the claims</u>, may also be amended by submitting:
>
> (i)An instruction to replace the specification; and
>
> (ii)A substitute specification in compliance with §§ 1.125(b) and (c).

[2] 37 CFR 1.125(b) states:

> Subject to § 1.312, a substitute specification, <u>excluding the claims</u>, may be filed at any point up to payment of the issue fee if it is accompanied by a statement that the substitute specification includes no new matter.

[3] 37 CFR 1.121(c) *Claims.*

Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

a proper preliminary amendment to cancel claims and/or eliminate multiple dependent claims, the claims counted were those filed in the international application. Therefore, the submission of the substitute specification containing claims filed with the national stage submission does not entitle applicant to a refund of the previously paid excess claims fees. Moreover, the subsequently filed restatement of claims canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid as set forth in MPEP 1893.01(c).

Petitioner asserts that the determination that excess claims fees are required is inconsistent with the decision by Office of Patent Application Processing (OPAP) to accept the 20 claims of the substitute specification. This is not correct. As reflected in the "TOT CLAIMS" section of the Official Filing Receipt, the application was processed by OPAP on the basis of the originally filed claims of the international application. Nor is the publication of the claims of the substitute specification relevant to the issue of claims fee due. Pursuant to 35 U.S.C. 41(a)(2), excess claims fees are required on the "filing or on presentation" of the excess claims.

Fees Paid by Mistake

Applicant argues that a USPTO denial of his request for refund of $16,118 for excess claims fees would be contrary to the MPEP and is inequitable. Applicant relies on MPEP §607.02, that a fee paid by mistake or in excess of the amount of fee required may be refunded. Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund: (1) a fee paid by mistake (e.g., fee paid when no fee is required); or (2) any fee paid in excess of the amount of fee that is required. See *Ex parte Grady*, 59 USPQ 276, 277 (Comm'r Pat. 1943)(the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment (see MPEP 607.02), that is, whether the fee is due or not. When an applicant or patentee takes an action "by mistake", the submission of fees required to take that action is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

While applicant may have intended to amend the claims, a proper preliminary amendment was not included with the initial national stage filing. Accordingly, the Office charged applicant's deposit account (with his authorization) for the claims originally filed in the application. Although the intent of the submission of the improper substitute specification filed on 15 June 2009 may have been to eliminate multiple dependent claims and reduce claims to avoid additional claims fees, the claims as submitted therewith did not comply with 37 CFR 1.121(c). The filing of claims without a preliminary amendment is an action taken by the applicant. The submission of fees required therefore is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d). Accordingly, the Office cannot grant the requested refund under 37 CFR 1.26.

The transmittal letter authorized the Commissioner to "charge any additional fees which may be required . . . " It does not appear that applicant's representative reviewed the application to ensure that the desired claims were properly identified as amended claims as filed in the application. Any assessment of fees or submission of claims cannot be considered an error on the part of the Office.

In the alternative, Petitioner requests that the petition for a refund be granted under 37 CFR 1.183. Under 37 CFR 1.183, "In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived

by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in 1.17(h)." Petitioner has not identified which rule is to be waived. In this regard, Petitioner is reminded that the conditions for refund are statutory (35 U.S.C. 42(d)) and thus cannot be waived under 37 CFR 1.183. Petitioner also has not presented facts which describe an extraordinary situation where justice would require a waiver of the rules. Nor is the present situation an extraordinary situation which mandates relief. Petitioner presented the claims found the application and authorized the charging of fees to his deposit account. This simply does not constitute an extraordinary situation, but rather appears to be a common "ordinary" situation.

CONCLUSION

For the reasons above, the petitions under 37 CFR 1.181, 1.182 and 1.183 are **DENIED**.

For questions regarding this decision, please contact Cynthia Kratz, Attorney Advisor in the Office of PCT Legal Administration, at (571) 272-3286.

This decision is a final agency action. *See* MPEP 1002.02.

Charles A. Pearson
Director
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT
P.O. BOX 425045
CAMBRIDGE, MA 02142

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PCT LEGAL ADMINISTRATION

In re Application of KEERS	:	
U.S. Application No.: 12/519,218	:	
PCT Application No.: PCT/GB2007/003910	:	DECISION
Int. Filing Date: 15 October 2007	:	
Priority Date Claimed: 28 December 2006	:	
Attorney Docket No.: 57.0673 US PCT	:	
For: GEOPHYSICAL SIGNAL PROCESSING	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(b) filed on 14 September 2010.

BACKGROUND

On 15 October 2007, applicant filed international application PCT/GB2007/003910, which claimed priority of an earlier United Kingdom application filed 28 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 29 June 2009.

On 15 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 March 2010, applicant filed a petition under 37 CFR 1.47(b).

On 05 May 2010, this Office mailed a decision dismissing the 15 March 2010 petition.

On 14 September 2010, applicant filed the instant renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner previously satisfied items (1) and (3) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that inventor Henk Keers refuses to sign the application papers. The petition adequately illustrates that a bona fide attempt was made to present a copy of the complete application papers to Keers for signature and that Keers received such papers (see affidavit of Michael Frederick Ford, ¶¶12-13). Furthermore, the petition sufficiently demonstrates that Keers refuses to sign. In particular, Keers' failure to return an executed declaration in response to repeated communications is deemed a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Keers refuses to join in the application.

With regard to item (4) above, the person signing the declaration neither has apparent authority to sign on behalf of the 37 CFR 1.47(b) applicant (see MPEP 324) nor states that he is authorized to sign on behalf of the 37 CFR 1.47(b) applicant.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

It is inferred from the petition that Western Geco L.L.C. ("Western Geco") is the 37 CFR 1.47(b) applicant. Thus, petitioner must demonstrate a chain of tile for the present invention from the inventor to Western Geco. The assignment agreement dated 11 March 2010 shows transfer of the invention from Schlumberger Cambridge Research Limited ("Schlumberger") to Western Geco. Furthermore, the petition sufficiently illustrates transfer of the invention from inventor Keers to Schlumberger.

MPEP 409.03 states in relevant part,

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

In the present case, the employment agreement signed by Keers states that Keers assigned to Schlumberger all inventions made during the course of Keers' employment with Schlumberger (see employment agreement, ¶¶5-6). Furthermore, the petition is accompanied by the affidavit of Michael Frederick Ford, a person with firsthand knowledge of an invention disclosure document, relating to the present invention, that was signed and submitted by Keers during the term of his employment with Schlumberger (see Exhibit A). The affidavit of Gordon Shudofsky confirms that Keers was employed by Schlumberger at the time the invention disclosure document was created. Thus, by virtue of the employment agreement signed by Keers, it can be concluded with reasonable certainty that Schlumberger acquired title to the present invention from Keers.

With regard to item (6) above, an adequate statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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.
12/519,235	07/31/2009	Sang Ho Chung	PLU-0052	1372

23413 7590 01/28/2011
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
01/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
CHUNG, Sang Ho et al.
Application No. 12/519,235
Filed: June 15, 2009
For: **SARPS MANAGEMENT AND IMPLEMENTATION SYSTEM**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on June 15, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figure 6 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figure 2. The amendment filed June 15, 2009 to the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

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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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application:	:	
Chisato Marumo et al.	:	
Application No. 12/519,289	:	NOTICE
Filed: June 15, 2009	:	
Attorney Docket No. 343337US2PCT	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 31, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the Office of Patent Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DUANE MORRIS LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

MAILED

SEP 22 2011

OFFICE OF PETITIONS

Applicant: Florian Krass
Appl. No.: 12/519,310
International Filing Date: December 7, 2007
Title: NOVEL CASCADED POWER PLANT PROCESS AND METHOD FOR PROVIDING REVERSIBLY USABLE HYDROGEN CARRIES IN SUCH A POWER PLANT PROCESS
Attorney Docket No.: R1577-00006
Pub. No.: US 2010/0247414 A1
Pub. Date: September 30, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 1, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the cover page of the publication wherein the benefit claim priority data was printed incorrectly.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on December 1, 2010, was not timely filed under 37 CFR 1.221(b).

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the benefit claim. The benefit claim information was printed as provided by applicant in the specification filed with the application on June 15, 2009.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant has not submitted an amendment to the benefit claim in accordance with 37 CFR 1.121 and 37 CFR 1.78 to reflect the priority listed in the Corrected Filing Receipt. An error in the foreign priority data on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The Corrected Filing Receipt mailed by the Office on February 11, 2011 was done in error. Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410. A Corrected Filing Receipt correcting the benefit claim will be mailed by the Office.

Pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive. An application cannot be both a continuation and a divisional or a continuation and a continuation-in-part of the same application. Moreover, if the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications. This reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.

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.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON DC 20036-2680

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Osamu Hirose	:	
Application No. 12/519,340	:	DECISION GRANTING PETITION
Filed: June 15, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. IS-US061562	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 22, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 17, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2882 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

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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GE HEALTHCARE, INC.
IP DEPARTMENT 101 CARNEGIE CENTER
PRINCETON NJ 08540-6231

MAILED

JUN 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
STOREY *et al* :
Application No.: 12/519,398 :
PCT No.: PCT/GB2007/004880 :
Int. Filing Date: 19 December 2007 : DECISION
Priority Date: 21 December 2006 :
Atty. Docket No.: PZ06123 :
For: IN VIVO IMAGING AGENTS :

This is a decision on applicants' "Response to Notification of Defective Response" filed in the U.S. Patent and Trademark Office (USPTO) on 26 January 2010, which has been treated as a petition under 37 CFR 1.182. The petition is granted as discussed below.

BACKGROUND

On 19 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration filed 08 December 2009 was defective in that the name of the first named applicant did not match the name in the international application as published.

On 26 January 2010, applicants filed the present response.

On 23 February 2011, the DO/EO/US prematurely mailed a NOTICE OF ACCEPTANCE OF APPLICATION... (Form PCT/DO/EO/903) indicating a date under 35 USC 371 of 08 December 2009.

DISCUSSION

Section 605.04(c) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182...

A review of the present response reveals that applicants have submitted an acceptable explanation that the name set forth on the international application is applicant's nickname and that his "legal name is Anthony Eamon Storey, as indicated and signed on the declaration submitted December 8, 2009."

The requisite petition fee of **$400** has been charged to counsel's deposit account no. **50-2665** based on the authorization in the present response.

CONCLUSION

For the reasons above, the petition is **GRANTED**.

The application has an international filing date of 19 December 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **08 December 2009**. as set forth on the Form PCT/DO/EO/903 mailed 23 February 2011.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/519,406	06/16/2009	Yoichiro Nishimoto	1032404-000215	2807

21839 7590 01/12/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
SWANSON, WALTER H

ART UNIT	PAPER NUMBER
2823	

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):

ADIPFDD@bipc.com
offserv@bipc.com

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	
Yoichiro NISHIMOTO	**: DECISION ON REQUEST TO**
Application No.: 12/519,406	**: PARTICIPATE IN THE PATENT**
Filed: 16 June 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 1032404-000215	**: PROGRAM AND PETITION**
For: METHOD OF MANUFACTURING	**: TO MAKE SPECIAL UNDER**
SOLAR CELL	**: 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 15 December 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority 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);

Requirements 1, 2, 3, 5, and 6 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirement 4.

Regarding the requirement of condition (4), examination has begun on the instant application. Since this condition cannot be overcome, the petition is denied.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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P.O. Box 1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of	:
Peter Aschauer	:
Application No. 12/519,443	:DECISION ON PETITION
Filed: June 16, 2009	:TO MAKE SPECIAL UNDER
Attorney Docket No. ASCH3001/JEK	: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 21, 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 from the sole inventor that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to 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. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions

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 : February 22, 2012

In re Application of :

William Watkins

Application No : 12519496

Filed : 16-Jun-2009

Attorney Docket No : A4521.US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 22, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12519496
Filing Date	16-Jun-2009
First Named Inventor	William Watkins
Art Unit	1622
Examiner Name	ERICH LEESER
Attorney Docket Number	A4521.US
Title	PYRIDO(3,2-D)PYRIMIDINES USEFUL FOR TREATING VIRAL INFECTIONS

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Philp B. Polster, II/
Name	Philip B. Polster, II
Registration Number	43864

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA, VA 22314

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of

Tetsuya HAYASHI
Application No. 12/519,611
Filed: September 1, 2009
Attorney Docket No. **8048-1385**

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 11, 2011.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. Also, petitioner has not properly submitted forwarding correspondence address information for the application.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.***

Inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2800. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CT

August 16, 2010

In re application of David Jarus Serial No. 12/519,678 Filed: June 17, 2009 For: THERMALLY STABLE THERMOPLASTIC VULCANIZATE COMPOUNDS	: : : : : : :	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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 18, 2010, to make the above-identified application special.

The request and petition are **DISMISSED** as moot. Specifically, a non-final office action was mailed in this application on July 22, 2010.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition fail because:

(5) Examination of the U.S. application has begun. Specifically, note that a non-final office action was mailed in this application on July 22, 2010.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/519,700	06/17/2009	William J. Testin	TTEUS0607077/THMT:0051	5295

7590 06/17/2011
FLETCHER YODER P.C.
7915 FM 1960 RD. WEST
SUITE 330
HOUSTON, TX 77070

EXAMINER
HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
2422	

MAIL DATE	DELIVERY MODE
06/17/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12519711
Filing Date	17-Jun-2009
First Named Inventor	Boaz Nitzan
Art Unit	1726
Examiner Name	GREGG CANTELMO
Attorney Docket Number	12298/50402
Title	BATTERY SEPARATOR

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23838

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Doron Lavee, Power Paper Ltd.,
Address	3 Ha'amal Street, West Industrial Zone,
City	Beit Shemesh,
State	
Postal Code	99103
Country	IL

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/King Wong/
Name	King Wong
Registration Number	37500

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 : October 4,2011

In re Application of :

Boaz Nitzan

Application No : 12519711

Filed : 17-Jun-2009

Attorney Docket No : 12298/50402

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 4,2011

The request is **APPROVED.**

The request was signed by King Wong (registration no. 37500) on behalf of all attorneys/agents associated with Customer Number 23838 . All attorneys/agents associated with Cusotmer Number 23838 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	Doron Lavee,
Name2	Power Paper Ltd.,
Address 1	3 Ha'amal Street,
Address 2	West Industrial Zone,
City	Beit Shemesh,
State	
Postal Code	99103
Country	IL

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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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Wen-Li Chung et al	:	
Application No. 12/519,720	:	DECISION ON PETITION
Filed: May 4, 2010	:	TO WITHDRAW
Attorney Docket No. ALTH-003/01US 307255-2031	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 6, 2011.

The request is **APPROVED**.

A review of the file record indicates that Jessica R. Wolff: (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, Jessica R. Wolff 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: Jessica R. Wolff
4401 Eastgate Mall
San Diego, CA 92121

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
MAY 25 2011
OFFICE OF PETITIONS

In re Application of :
Daniel I. Oppenheimer et al. :
Application No. 12/519,806 : DECISION ON PETITION
Filed: September 17, 2009 :
Attorney Docket No. **30610/39976A** :

This is a decision on the submissions filed February 15, 2011: (a) a request to withdraw the Request for Express Abandonment under 37 CFR 1.138 filed February 15, 2011, and alternatively, (b) a petition to revive the above identified application under the unintentional provisions of 37 CFR 1.137(b).

Office records indicate that the Request for Express Abandonment was received on February 15, 2011, along with the instant petition for its withdrawal. As the application was not abandoned at the time of Office's receipt of the request to withdraw the previously submitted Express Abandonment, the **request to withdraw the Request for Express Abandonment is GRANTED**.

Accordingly, the petition under 37 CFR 1.137(b) is **DISMISSED as UNNECESSARY**.

Accordingly, the Notice of abandonment mailed February 25, 2011 is withdrawn and the application will be restored to a pending status.

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1627 for further processing.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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86765
LGCHEM
LEERNER, DAVID, LITTENBERG, KRUMHOLZ, & MENTLIK, LLP
600 South Avenue West
Westfield, NJ 07090

MAILED

FEB 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
JEON *et al*
U.S. Application No.: 12/519,835
PCT No.: PCT/KR2007/006598
Int. Filing Date: 17 December 2007
Priority Date: 21 December 2006
Docket No.: LGCHEM 3.3-108
For: GEL POLYMER ELECTROLYTE COMPOSITION, GEL POLYMER ELECTROLYTE AND ELECTROCHEMICAL DEVICE COMPRISING THE SAME

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed on 16 September 2010.

BACKGROUND

On 25 June 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 16 September 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by two inventors on behalf of the nonsigning inventor; a one-month extension and $130.00 extension fee; a $200.00 petition fee; a $130.00 surcharge fee; a statement by Mi-Ran SONG, and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Soo-Hyun HA, cannot be found or reached after a diligent effort and filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the

nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants claim that a Korean law firm tried to contact Ms. HA but that she could not be found or reached with diligent effort. Applicants provided a statement of facts by Ms. Mi-Ran SONG which describes the efforts used to locate Ms. HA.

A review of the statement and documentary evidence shows that a complete copy of the subject application was forwarded to the last known address of the nonsigning inventor on 25 August 2010 but the documents were returned as undeliverable on 03 September 2010. Ms. SONG states that she then tried to contact the nonsigning inventor by telephone on 05 September 2010 but the phone was disconnected. Then she attempted "to find a new address or phone number for (HA, Soo-Hyun) but none could be found in available directories." Accordingly, Ms. SONG concluded that the inventor cannot be reached.

Applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d)(I) of the MPEP which states, in part:

> Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, applicants must provide more information on the search used to locate Ms. HA. Such information should include the type of directory searched, and what the

---

[1] The $200.00 petition fee was paid. The last known address of Soo-Hyun HA is listed in the petition. The declaration signed by two of the three named inventors on behalf of the nonsigning inventor is in compliance with 37 CFR 1.47(a) and (b), and meets the requirements of section 409.03(a)(A) of the MPEP.

search parameters were. Documentary evidence of such a search is required.

In addition, there is no indication that former employers or co-workers were contacted to determine if they have any information on the whereabouts of Ms. HA. These type of efforts are not extraordinary and are required to show that a diligent effort was made.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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600 South Avenue West
Westfield, NJ 07090

MAILED

JUN 30 2011

PCT LEGAL ADMINISTRATION

In re Application of
JEON *et al*
U.S. Application No.: 12/519,835
PCT No.: PCT/KR2007/006598
Int. Filing Date: 17 December 2007
Priority Date: 21 December 2006
Docket No.: LGCHEM 3.3-108
For: GEL POLYMER ELECTROLYTE COMPOSITION, GEL POLYMER ELECTROLYTE AND ELECTROCHEMICAL DEVICE COMPRISING THE SAME

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed on 02 May 2011.

BACKGROUND

On 01 February 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 02 May 2011, applicants filed the subject response which was accompanied by, *inter alia*, a one-month extension and $130.00 extension fee, a supplemental statement of facts, and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Soo-Hyun HA, cannot be found or reached after a diligent effort.

Items (1), (3) and (4) of 37 CFR 1.47(a) were satisfied in the initial petition.

Concerning item (2) of 37 CFR 1.47(a), applicants were requested to provide more information on the search used to locate Ms. HA. Applicants were also requested to contact former employers or co-workers to determine if they have any information on the whereabouts of Ms. HA.

In the renewed petition, the 37 CFR 1.47(a) applicants have provided sufficient evidence to show that a diligent effort was made to locate the nonsigning inventor. Petitioners submitted a supplemental statement of facts by Mi-Ran Song detailing the further efforts to locate Soo-Hyun HA. These efforts included conducting an internet search for the missing inventor, a classified telephone directory search, and contacting co-workers of Soo-Hyun HA to determine if they had any information on her whereabouts. Documentary evidence was submitted to corroborate the account of Mr. Song. These efforts meet the requirements of MPEP § 409.03(d)(I). Item (2) of 37 CFR 1.47(a) is satisfied.

All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 December 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 16 September 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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P.O. Box 1450
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Soo-Hyun Ha
510-1103, Expo Apt.,
Jeonming-dong, Yuseong-gu
Republic of Korea

MAILED
JUN 30 2011
PCT LEGAL ADMINISTRATION

In re Application of
JEON *et al*
U.S. Application No.: 12/519,835
PCT No.: PCT/KR2007/006598
Int. Filing Date: 17 December 2007
Priority Date: 21 December 2006
Docket No.: LGCHEM 3.3-108
For: GEL POLYMER ELECTROLYTE COMPOSITION, GEL POLYMER ELECTROLYTE AND ELECTROCHEMICAL DEVICE COMPRISING THE SAME

Ms. Ha:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

LEERNER, DAVID, LITTENBERG, KRUMHOLZ, & MENTLIK, LLP
600 South Avenue West
Westfield, NJ 07090

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Sutherland Asbill & Brennan LLP
999 Peachtree Street, N.E.
Atlanta, GA 30309

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CANZLER et al. :
Application No.: 12/519,912 : DECISION ON REQUEST
PCT No.: PCT/EP2007/011353 :
Int. Filing Date: 21 December 2007 :
Priority Date: 22 December 2006 :
Attorney Docket No.: 17346-0062 :
For: ELECTRONIC COMPONENT WITH AT LEAST ONE ORGANIC LAYER ARRANGEMENT

This decision is issued in response to applicant's "Response to Notification of Defective Response" dated 26 August 2010, treated herein as a petition under 37 CFR 1.497(d). The $130 petition fee has been submitted.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/EP2007/011353 which claimed a priority date of 22 December 2006. The published international application identified three applicants/inventors for the United States: Tobias Canzler; Olaf Zeika; and Phillipp Wellmann. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 22 June 2009.

On 18 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and an application data sheet.

On 07 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b). The notification set a two-month time limit in which to respond.

On 07 December 2009, applicant filed a declaration executed by: Tobias Canzler; Olaf Zeika; Phillipp Wellmann; Gregor Schwartz; Karsten Walzer; Martin Pfeiffer; Ansgar Werner; and Kentaro Harada.

On 17 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because Gregor Schwartz; Karsten Walzer; Martin Pfeiffer; Ansgar Werner; and Kentaro Harada were not identified on the international application.

On 26 August 2010, applicant filed "Response to Notification of Defective Response," treated herein as a petition under 37 CFR 1.497(d)

DISCUSSION

Applicant requests to add Gregor Schwartz; Karsten Walzer; Martin Pfeiffer; Ansgar Werner; and Kentaro Harada as inventors to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added/deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17; (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and (4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (1); (2); and (4).

Regarding item (3), applicant submitted a document entitled "Statement of Assignee as Required by 37 CFR 1.497(d)" considered herein. This document states that the assignee consents to the addition of Gregor Schwartz; Karsten Walzer; Martin Pfeiffer; Ansgar Werner; and Kentaro Harada as inventors herein. However, pursuant to 37 CFR 1.497(d)(3), the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b) (see MPEP 201.03(II)(D)). Here, the statement executed by the assignee does not comply with the requirements of 37 CFR 3.73(b)(1). Specifically, the assignee does not expressly state that "the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation" or that "documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number)." See Form PTO/SB/96. Because the assignee has not properly established ownership pursuant to 37 CFR 3.73(b), the statement of consent submitted here cannot, on the present record, be accepted in satisfaction of this requirement. Item (3) is therefore not satisfied.

CONCLUSION

Applicant's request to add Gregor Schwartz; Karsten Walzer; Martin Pfeiffer; Ansgar Werner; and Kentaro Harada under 37 CFR 1.497(d) is DISMISSED without prejudice.

Applicant must file a proper response to this decision within TWO (2) MONTHS from the mail date indicated above. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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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Sutherland Asbill & Brennan LLP
999 Peachtree Street, N.E.
Atlanta, GA 30309

MAILED
OCT 07 2011
PCT LEGAL ADMINISTRATION

In re Application of
CANZLER et al.
Application No.: 12/519,912
PCT No.: PCT/EP2007/011353
Int. Filing Date: 21 December 2007
Priority Date: 22 December 2006
Attorney Docket No.: 17346-0062
For: ELECTRONIC COMPONENT WITH AT LEAST ONE ORGANIC LAYER ARRANGEMENT

DECISION ON PETITION
UNDER 37 CFR 1.1497(d)

In a decision mailed by this Office on 11 July 2011, applicants' request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d). Specifically, applicants had not provided the required consent of the assignee to the requested change in inventorship.

On 16 August 2011, applicants filed the renewed request under 37 CFR 1.497(d) considered herein. The submission included the consent of the assignee to the requested correct of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship herein is corrected to add Gregor Schwartz; Karsten Walzer; Martin Pfeiffer; Ansgar Werner; and Kentaro Harada as additional inventors of record.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of:
XIE, Frank, Y., et al.
U.S. Application No.: 12/519,944
PCT No.: PCT/US2006/049261
International Filing Date: 21 December 2006
Priority Date: 21 December 2006
Attorney Docket No.: INTM/022
For: INHIBITORY POLYNUCLEOTIDE COMPOSITIONS AND METHODS FOR TREATING CANCER

DECISION ON RENEWED PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 27 August 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 02 June 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventors.

On 27 August 2010, applicants filed the "Renewed Petition Under 37 CFR 1.47(a)" considered herein (with required extension fee).

DISCUSSION

The previous decision indicated that the declaration materials filed by applicants on 27 April 2010 were unacceptable because it was not clear that the materials represented multiple copies of a two-page declaration that named all four inventors of record. The present renewed petition includes confirmation that the declaration document executed by the inventors consisted of two pages, the first page being the sheet identifying Frank Y. XIE as "Inventor one" and Patrick Y. LU as "Inventor two" (and indicating that additional inventors were which named on an attached page), and the second page being the sheet identifying Martin C. WOODLE as "Inventor three" and Yijia LIU ass "Inventor four."

Based on the statements in the renewed petition and a review of the declaration documents, it is accepted that the previously filed declaration materials consist of three copies of a two-page declaration, each of which identifies all four inventors of record and includes an unsigned signature block for the non-signing inventor, Patrick Y. LU. These declarations, which were executed by the three cooperating inventors of record, may be accepted as having been executed by the inventors on their own behalf and on behalf of the non-signing inventor; thus, the final element of a grantable petition under 37 CFR 1.47(a) is now satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Patrick Y. LU.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 April 2010.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dr. Patrick Y. LU
17093 Briardale Road
Rockville, MD 20855

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of: XIE, Frank, Y., et al.
U.S. Application No.: 12/519,944
PCT No.: PCT/US2006/049261
International Filing Date: 21 December 2006
Priority Date: 21 December 2006
Attorney Docket No.: INTM/022
For: INHIBITORY POLYNUCLEOTIDE COMPOSITIONS AND METHODS FOR TREATING CANCER

Dear Dr. LU:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

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OCT 18 2010

PCT LEGAL ADMINISTRATION

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www.uspto.g

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
Fransson et al.	:	
Application No.: 12/519,956	:	DECISION
PCT No.: PCT/US2007/001416	:	
Int. Filing Date: 18 January 2007	:	ON
Priority Date: 18 January 2007	:	
Attorney Docket No.: 1880.135US1	:	PETITION
For: Simultaneous Relaxation Time Inversion	:	

This is in response to the renewed petition under 37 CFR 1.47(a) and renewed submission under 37 CFR 1.42 filed on 10 August 2010.

DISCUSSION

37 CFR 1.42

In a Decision mailed on 22 June 2010, the declaration was not accepted under 37 CFR 1.42, without prejudice, because

> counsel has provided a declaration which names Carla B. Hara Fransson as "the legal representative of deceased inventor Carl-Magnus Fransson." The declaration indicates a citizenship, residence and postal address, but it is not clear whether these indications pertain to the legal representative, the deceased inventor, or both.

In response, counsel has now provided a declaration which names and is signed by Ronald Cherry. The new declaration also nominates and provides the citizenship, residence and postal address of deceased inventor Carl-Magnus Fransson. It also identifies Carla B. Hara Fransson as his legal representative, and provides her citizenship, residence and postal address. This declaration is accepted under 37 CFR 1.42.

37 CFR 1.47(a)

In the Decision mailed on 22 June 2010, the renewed petition under 37 CFR 1.47(a) filed on 14 April 2010 was dismissed, without prejudice, because requirements (2), (3) and (4) had not been satisfied.

In response, regarding **requirement (2)**, petitioner has provided first-hand statements by Ms. Wellcome and Ms. Baland, along with supporting documentation, describing efforts undertaken to locate the non-signing legal representative. Based on the totality of the evidence now of record, it would be appropriate to conclude that requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition states the last-known addresses of the deceased inventor and his non-signing legal representative.

Regarding **requirement (4)**, the declaration filed on 10 August 2010 is acceptable for purposes of satisfying this requirement.

DECISION

The declaration filed on 10 August 2010 is **ACCEPTED** under 37 CFR 1.42.

The petition under 37 CFR 1.47(a) is **GRANTED**.

A notice of the filing of this application will be forwarded to the non-signing legal representative at her last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **10 August 2010**..

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

MAILED

OCT 18 2010

PCT LEGAL ADMINISTRATION

United States Patent and Trademark Office

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P.O. Box 1450
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Carla Hara Fransson
100 Falvey Lane
Cleveland, TX 77328

In re Application of :
Fransson et al. :
Application No.: 12/519,956 :
PCT No.: PCT/US2007/001416 :
Int. Filing Date: 18 January 2007 :
Priority Date: 18 January 2007 :
Attorney Docket No.: 1880.135US1 :
For: Simultaneous Relaxation Time Inversion

Dear Ms. Fransson:

You are named as legal representative of a deceased 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 representative of a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

2 1 SEP 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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Klintworth & Rozenblat IP LLC
300 West Adams St.
Suite 505
Chicago IL 60606

In re Application of	:	
VINER, Victor et al.	:	
Application No.: 12/520,070	:	DECISION
PCT No.: PCT/US2007/088182	:	
Int. Filing Date: 19 December 2007	:	ON PETITIONS UNDER
Priority Date: 19 December 2006	:	
Docket No.: V2C01-001-US	:	37 CFR 1.47(a) and 1.182
For: BRACE WITH TARGETED COOLING	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a) and petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office (USPTO) on 22 July 2010.

BACKGROUND

On 27 April 2010, the Office mailed supplemental decision on petition under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 22 July 2010, applicants filed this renewed petition under 37 CFR 1.47(a), a petition under 37 CFR 1.182 and the fee for a one month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2) and (3) were previously satisfied. Applicants state the last known addresses of Mr. Anthony Pannozzo as 76 Laurel Drive, Needham MA 02492 and of Mr. Noel Leon Gauthier as 2150 Williams Avenue, Norwood OH 45212.

Item (4) has now been satisfied. Applicants have supplied a petition under 37 CFR 1.182 to change the name of Rose Heath to Rose Anderson, accompanied by the petition fee. Ms. Anderson declares that subsequent to her marriage, she is now Ms. Anderson, but was formerly Ms. Heath. Applicants have provided complete copies of the declaration from each of the signing inventors.

CONCLUSION

For the above reasons, applicant's petitions under 37 CFR 1.47(a) and 37 CFR 1.182 are **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **22 July 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

2 1 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Noel Leon Gauthier
2150 Williams Avenue
Norwood OH 45212

In re Application of
VINER, Victor et al.
Application No.: 12/520,070
PCT No.: PCT/US2007/088182
Int. Filing Date: 19 December 2007
Priority Date: 19 December 2006
Docket No.: V2C01-001-US
For: BRACE WITH TARGETED COOLING

Dear Mr. Gauthier:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Klintworth & Rozenblat IP LLC
300 West Adams St.
Suite 505
Chicago IL 60606

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Anthony Pannozzo
76 Laurel Drive
Needham MA 02492

In re Application of
VINER, Victor et al.
Application No.: 12/520,070
PCT No.: PCT/US2007/088182
Int. Filing Date: 19 December 2007
Priority Date: 19 December 2006
Docket No.: V2C01-001-US
For: BRACE WITH TARGETED COOLING

Dear Mr. Pannozzo:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Klintworth & Rozenblat IP LLC
300 West Adams St.
Suite 505
Chicago IL 60606

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MAR 07 2011

PCT LEGAL ADMINISTRATION

SALTAMAR INNOVATIONS
1 Mathewson Road
Barrington RI 02806

In re Application of MANOR et al.	:
Application No.: 12/520,093	: DECISION ON PETITION
PCT No.: PCT/IL07/01582	:
Int. Filing: 20 December 2007	: UNDER
Priority Date: 20 December 2006	:
Attorney Docket No.: 0915US-Techtium	:37 CFR 1.497(d), 1.183 and 1.47(a)
For: BATTERY POWERED CHARGER	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 16 September 2010, to accept the application without the signature of HANS VERCOULEN. This is also a decision on applicant's petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.497(d).

BACKGROUND

On 04 January 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) was required.

On 04 June 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and an executed declaration. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of HANS VERCOULEN, alleging that he is an inventor of the above referenced PCT application and refused to sign the application.

On 22 July 2010, a decision was mailed which dismissed the petition under 37 CFR 1.47(a) on the grounds that the alleged nonsigning inventor Hans Vercoulen was not identified as an inventor in the published international application.

DISCUSSION

Applicant wishes to add Hans Vercoulen as an inventor to the above referenced application, alleging that Mr. Vercoulen was a named inventor in the priority application (U.S. provisional application 60/996,220 filed on 07 November 2007). Applicant states that the failure to identify Mr. Vercoulen as an inventor in the PCT/IL07/01582 was an inadvertent error, which error was discovered at the time of entering the U.S. national stage. Applicant now files a request under 37 CFR 1.497(d) to add Mr. Vercoulen as an inventor. However, since Mr. Vercoulen refuses to give the required statement, applicant also filed a petition under 37 CFR 1.47(a) and 1.183 to waive the requirements for his signature in the above referenced application.

Request To Add Inventors Breiting and Vercoulen Under 37 CFR 1.497(d)

Where, as here, the filed declaration names an additional inventor who was not identified

on the international application, 37 CFR 1.497(d) requires applicant to submit: (1) a statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intent; (2) the processing fee; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (in the form required by 37 CFR 3.73(b)).

Applicant has submitted the required processing fee, satisfying Item (2). Applicant has provided the consent of the assignee, Techtium Ltd. to the requested change of inventorship, satisfying Item (3). Applicant has provided the statement of Daniel Breiting indicating that his name was erroneously omitted without deceptive intent. The petition under 37 CFR 1.497(d) with respect to Daniel Breiting is granted.

However, Applicant has not provided the statement from Mr. Vercoulen, required under 37 CFR 1.497(d)(1). In lieu of Mr. Vercoulen's statement, applicant submits a petition under 37 CFR 1.183 to waive the requirement under 37 CFR 1.497(d)(1).

Petition under 37 CFR 1.183

Because of Mr. Vercoulen's alleged refusal to sign a statement of lack of deceptive intent, applicant filed a petition under 37 CFR 1.183 to waive this requirement. Petitioner contends that Vercoulen was an inventor for the priority application and was intended to be included as an inventor in the PCT application but his name was inadvertently omitted.

As discussed in MPEP section 201.03(II)(A), where an inventor to be added or deleted refuses to execute the required statement of non-deceptive intent, the applicants have two options. They can either: (1) file a petition under 37 CFR 1.183 requesting waiver of the requirements of 37 CFR 1.497(d)(1); or (2) file a continuation application that names the proper inventors (i.e., the inventors of record, plus Mr. Vercoulen), thereby alleviating the necessity of adding the missing inventor to the application under 37 CFR 1.497(d).

Applicant states that there is a difficulty in adding Mr. Vercoulen as an inventor herein, because any such request requires a statement under 37 CFR 1.497(d)(1) executed by Mr. Vercoulen, who purportedly refuses to execute any documents for this application. Applicant argues that waiver under 37 CFR 1.183 may be available in situations where an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, citing MPEP Section 201.03 II A . Statement of Lack of Deceptive Intention.

> On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a petition and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. 37 CFR 1.48(a) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought.
>
> In those situations where an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be

> shown. Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought. Petitions under 37 CFR 1.47 are not applicable to the requirement for statements from each originally named inventor.

The declaration of Guy Weinstein, Chief Executive Officer, Techtium, Ltd., was submitted in support of the petition under 37 CFR 1.183. Mr. Weinstein states he personally met with Mr. Vercoulen on 26 August 2010 and presented the nonsigning inventor with a complete copy of the application papers and a declaration. Mr Weinstein states that "Mr. Vercoulen was unwilling to execute any of the required documents, due to a dispute with the Applicant over an unrelated employment issue." From this evidence and the inventor's conduct, it can be concluded that the nonsigning inventor refuses to sign the application papers.

An assignment of the entire right, title and interest to the invention "Battery Powered Charger" in U.S. application 12/520, 093 to Techtium Ltd. executed by all inventors except for Mr. Vercoulen was submitted with the petition. In addition, the written consent of the sole assignee Techtium Ltd. to add Hans Vercoulen as an inventor was also submitted. The petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.497(d) with respect to Hans Vercoulen is GRANTED.

Therefore, the present record includes all the requirements for the requested addition of Mr. Vercoulen an inventor herein. The requirements of 37 CFR 1.497(d) are met and the petition to add Hans Vercoulen and Daniel Breiting as inventors is GRANTED.

Petition under 37 CFR 1.47(a)

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1) is satisfied with the payment of the petition fee. As set forth above, Item (2) is satisfied with the declaration of Guy Weinstein, Chief Executive Officer, Techtium, Ltd., who personally met with and presented the nonsigning inventor with a complete copy of the application papers and a declaration on 26 August 2010, which Mr. Vercoulen was unwilling to execute. From this evidence and the inventor's conduct, it can be concluded that the nonsigning inventor refuses to sign the application papers. Item (3) is satisfied because the last known address of the nonsigning inventor was provided. Item (4) is now satisfied with the declaration executed by the joint inventors on behalf of the nonsigning inventor Vercoulen as the petition under 37 CFR 1.183 is granted waiving the requirement of a statement from the inventor being added.

Therefore, the petition under 37 CFR 1.47(a) is GRANTED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.497(d) with respect to Daniel Breiting is **GRANTED**.

The petition under 37 CFR 1.183 is **GRANTED** to waive the requirements of 37 CFR 1.497(d) with respect to the addition of Hans Vercoulen as an inventor is **GRANTED**.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision.

Charles Pearson
Director
Office of PCT Legal Administration
Telephone: (571) 272-3303
Facsimile: (571) 273-0459

CP/cmk

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SALTAMAR INNOVATIONS
1 Mathewson Road
Barrington RI 02806

MAILED

DEC 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Dror Manor et al.	:	
Application No. 12/520,093	:	DECISION ON PETITION
Filed: June 4, 2010	:	
Attorney Docket No. 0915US-Techtium	:	

This is a decision on the petition, filed May 24, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting recordation of an assignment document

The petition is **GRANTED**.

On May 19, 2011 petitioner submitted an assignment document for recordation. This document included an employment agreement and assignment cover sheet. The Assignment Services Branch mailed a Notice of Non-Recordation of Document on May 19, 2011, indicating that the assignment would not be recorded as assignment division does not record employment agreements.

Petitioner requests that this employment agreement be recorded as it is the agreement of Mr. Vercoulen who is a non-signing co-inventor who did not sign the assignment agreement. Petitioner wishes to make clear to any third party its ownership rights in the instant application.

MPEP 313 states in part:

> Thus, some documents which relate to patents or applications will be recorded, although they do not constitute a transfer or change of title. Typical of these documents which are accepted for recording are license agreements and agreements which convey a security interest. Such documents are recorded in the public interest in order to give third parties notification of equitable interests or other matters relevant to the ownership of a patent or application.

As there is no prohibition to recording employment agreements and the employment agreement in question is relevant to the question of ownership, it would be proper to record this agreement as an assignment document.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.

This application is being referred to Assignment Services Branch for recordation of the employee agreement.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Vern Maine & Associates
547 Amherst St. 3rd Floor
Nashua, NH 03063-4000

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NOV 18 2011

PCT LEGAL ADMINISTRATION

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of
BELL, Ian M.
Application No.: 12/520,146
PCT No.: PCT/US2007/025690
Filing Date: 14 December 2007
Priority Date: 20 December 2006
ATTY Docket No.: MRL-NOP-22333-US-PCT
For: BENZAZEPINE COMPOUNDS AS CGRP RECEPTOR ANTAGONISTS

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicant's PETITION UNDER 37 C.F.R. 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 20 June 2011.

BACKGROUND

On 14 December 2007, applicant filed international application, PCT/US2007/025690, which claimed priority of an earlier United States provisional application filed 20 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 June 2009.

On 19 June 2009, applicant filed applicant filed national stage papers with the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 September 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed as well as payment of additional claim fees and a surcharge fee.

On 19 November 2009, the international application PCT/US2007/025690 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 20 June 2011, applicant filed the present petition under 37 CFR 1.137(b).

Application No.: 12/520,146

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment 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 was unintentional, and (4) a terminal disclaimer in the application was filed before 08 June 1995.

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has provided the required petition fee.

Regarding item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

The application has an International Filing Date under 35 U.S.C. 363 of 14 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 June 2011.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Shane Thomas
Special Program Examiner
Office of PCT Legal Administration
Tel: (571) 272-4188

Bryan Lin
PCT Legal Examiner
PCT Legal Office

25 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

In re Application of	:	
ZHAO, et al.	:	DECISION ON PETITION
Serial No.: 12/520,227	:	
PCT No.: PCT/AU2007/001987	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 21 December 2007	:	
Priority Date: 22 December 2006	:	
Atty Docket No.: 21854-00118-US	:	
For: IMPROVED WATER ANALYSIS	:	

This decision is in response to the petition under 37 C.F.R. 1.47(b) filed 15 April 2010 in the United States Patent and Trademark Office (USPTO). As authorized, the $200.00 petition fee will be charged to deposit account number 03-2775.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/AU2007/001987 which claimed priority to an earlier U.S. application filed 22 December 2006. A copy of the international application was transmitted to the United States by the International Bureau (IB) on 03 July 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 June 2009.

On 19 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1). An executed oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 23 November 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $130.00 for filing the oath or declaration later than 30 months from the earliest priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 23 June 2010, applicant responded with the present petition accompanied by a petition for a five-month extension of time and payment of the extension of time fee.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Applicant has satisfied items 1, 3, 4 and 6. Before items 2 and 5 can be considered satisfied additional information is required from applicant.

Applicant has included in support of its petition as signed statement from Mr. Nicholas George Mathiou. Mr. Mathiou states that he was present at meetings with the inventors on 29 January, 25 March and 27 April 2010 in which the inventors, "advised orally that they no longer wish to interact with Aqua Diagnostic Holdings Pty Ltd including executing patent application documentation and will refuse to execute any such documentation in the future." In addition, the statement is supported by copies of a "Confirming Deed of Assignment of Intellectual Property" each separately signed by the co-inventors.

As to the refusal, there appears to be an inconsistency between the statement of Mr. Mathiou and the dates of the documents. The confusion arises from the fact that the confirming letters were signed on 12 May 2010, after the three meetings in which the inventors expressed a reluctance to sign any future patent documentation. Going further to applicant's proprietary interest in the application, it is not certain from the confirming letter whether this document consists of the entire agreement between the inventors and the university as it does not appear to contain any compensation to the inventors. It is also noted that no assignment has been recorded it the present application.

In any request for reconsideration applicant should provide greater detail into the relationship among the inventors, Griffith University and Aqua Diagnostic Holdings Pty Ltd. Such an explanation would be helpful in determining why the inventors would refuse to cooperation from January to April 2010 and yet sign the previously discussed confirming letter on 12 May 2010.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED
DEC 16 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	
ZHAO, et al.	:	DECISION ON RENEWED
Serial No.: 12/520,227	:	
PCT No.: PCT/AU2007/001987	:	PETITION UNDER
Int. Filing Date: 21 December 2007	:	
Priority Date: 22 December 2006	:	37 CFR 1.47(b)
Atty Docket No.: 21854-00118-US	:	
For: IMPROVED WATER ANALYSIS	:	

This decision is in response to the "Renewed Petition Under 37 CFR § 1.47(b)" filed 26 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 August 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 26 November 2010, applicant filed the present renewed petition accompanied by a petition for a one-month extension of time. Applicant's renewed petition is considered timely filed.

DISCUSSION

As detailed in the decision mailed 25 August 2010, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1), (3), (4) and (6).

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining two items.

Therefore, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 21 December 2007 under 35 U.S.C. 363, and will be given a date of **23 June 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Huijun Zhao
93 Armstrong Way, Highland Park
Queensland 4211
AUSTRALIA

MAILED

DEC 16 2010

PCT LEGAL ADMINISTRATION

In re Application of
ZHAO, et al.
Serial No.: 12/520,227
PCT No.: PCT/AU2007/001987
Int. Filing Date: 21 December 2007
Priority Date: 22 December 2006
Atty Docket No.: 21854-00118-US
For: IMPROVED WATER ANALYSIS

Dear Mr. Zhao:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006
UNITED STATES OF AMERICA

UNITED STATES 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. Shanqing Zhang
36/29 Ellis Drive, Mudgeeraba
Queesnland 4213
AUSTRALIA

MAILED
DEC 16 2010
PCT LEGAL ADMINISTRATION

In re Application of
ZHAO, et al.
Serial No.: 12/520,227
PCT No.: PCT/AU2007/001987
Int. Filing Date: 21 December 2007
Priority Date: 22 December 2006
Atty Docket No.: 21854-00118-US
For: IMPROVED WATER ANALYSIS

Dear Mr. Zhang:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006
UNITED STATES OF AMERICA

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:	12520246	Filing date:	03/03/2010
First Named Inventor:	Jae Jin LEE		
Title of the Invention:	SYSTEM AND METHOD FOR DETECTING SLEEPINESS		

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/KR2008/005068

The international date of the corresponding PCT application(s) is/are: August 29, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] 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.:	12520246
First Named Inventor:	Jae Jin LEE

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
1-15	1-11	Claims 1-15 in the US Application were amended to eliminate
		multiple claim dependencies, but otherwise correspond to
		claims 1-11 of the corresponding PCT Application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Brian C. Rupp/	Date	09/28/2010
Name (Print/Typed)	Brian C. Rupp	Registration Number	35,665

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
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/520,246	03/03/2010	Jae Jin Lee	P3224US	8322

8968 7590 10/05/2010
DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

EXAMINER

ART UNIT	PAPER NUMBER
3735	

NOTIFICATION DATE	DELIVERY MODE
10/05/2010	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
IPDockets@dbr.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO IL 60606

In re Application of	:	
LEE, JAE JIN et al	:	DECISION ON REQUEST TO
Application No. 12/520,246	:	PARTICIPATE IN PATENT
Filed: June 19, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. P3224US	:	PROGRAM AND PETITION
Title: SYSTEM AND METHOD FOR DETECTING SLEEPINESS	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Oct. 1, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Charles Marmor, the SPE of Art Unit 3735 and 571-272-4730 for Class 600/484 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 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

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:	12520248	Filing date:	June 19, 2009
First Named Inventor:	Markus Jandke		
Title of the Invention:	METHOD FOR THE PRODUCTION OF POLYMERIZABLE SILICONES		

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/EP2008/050110

The international filing date of the corresponding PCT application(s) is/are: January 8, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12520248
First Named Inventor:	Markus Jandke

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on July 17, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on July 17, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
8	1	Rewritten in U.S. format and to eliminate "preferable" range
9	1	Additional limitation to claim 8
10	1	Reinstate preferable range of n from claim 1 of PCT
11	1	As for claim 10, dependent on claim 9
12	2	Rewritten in U.S. format and to eliminate preferable range
13	2	Reinstate preferable range from PCT claim 2
14	2	As for claim 13, dependent upon claim 9
15	3	Rewritten in U.S. format
16	3	As for 15, dependent upon claim 12
17	4	Rewritten in U.S. format
18	4	As for claim 17, dependent on claim 12
19	4	As for claim 17, dependent on claim 15
20	5	Rewritten in U.S. format and to eliminate multiple dependencies and to further limit the claim
21	6	Rewritten in U.S format and to eliminate multiple dependencies and to further limit the claim
22	6	As for 21, reinstating alternative limitation from claim 21
23	7	Rewritten in U.S. format

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William G. Conger/	Date April 5, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/520,248	06/19/2009	Markus Jandke	WAS1020PUSA	8339

22045 7590 05/20/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
PRICE, ELVIS O

ART UNIT	PAPER NUMBER
1621	

MAIL DATE	DELIVERY MODE
05/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 2 0 2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075

In re Application of	:	DECISION ON REQUEST TO
JANDKE ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/520,248	:	PROSECUTION HIGHWAY
Filed: June 19, 2009	:	PROGRAM AND PETITION
Attorney Docket No. WAS1020PUSA	:	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 April 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
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT and TRADEMARK OFFICE

11 AUG 2010

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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

SUZANNAH K. SUNDBY
SMITH, GAMBRELL & RUSSEL, LLP
1130 Connecticut Avenue, NW
Suite 1130
WASHINGTON DC 20036

In re Application of Miller et al Application No: 12/520,261 PCT No.: PCT/GB2007/004967 Int. Filing Date: 21 December 2007 Priority Date: 22 December 2006 Attorney's Docket No.: 034334.013 N For: LIPID	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' " SUBMISSION OF DECLARATION OF ANDREW DAVID MILLER SUPPLEMENTAL TO PETITION UNDER 37 CFR 1.47(a)" filed on 20 April 2010.

BACKGROUND

On 21 December 2007, applicants filed international application PCT/GB2007/004967, which claimed priority of an earlier application filed 22 December 2006.

On 19 June 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter at such time.

On 14 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905)

On 14 April 2010, petitioner filed a petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signature of co-inventor Andrew David MILLER.

On 20 April 2010, petitioner filed this renewed petition accompanied, inter alia, an executed declaration that includes the signature of the previous non-signing co-inventor Andrew David MILLER.

DISCUSSION

The renewed filing includes a declaration executed by the previously non-signing co-inventor Andrew David MILLER. As such the declaration is now signed by all the co-inventors.

Accordingly, the declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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Wolf Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

MAILED
MAY 06 2011
PCT LEGAL ADMINISTRATION

In re Application of
DOLK et al.
Application No.: 12/520,272
PCT No.: PCT/EP2007/064344
Int. Filing Date: **20 December 2007** (as corrected)
Priority Date: 20 December 2006
Atty. Docket No.: A0848.70111US00
For: ORAL DELIVERY OF POLYPEPTIDES

DECISION

This decision is issued in response to applicants' "Request for Corrected Filing Receipt" filed 04 June 2010. No petition fee is due.

BACKGROUND

On 19 June 2009, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 04 January 2010, applicants filed an executed declaration of inventorship.

On 22 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 01 January 2010 and a 35 U.S.C. 371 completion date of 04 January 2010.

On 04 June 2010, applicants filed a "Request for Corrected Filing Receipt" considered herein.

DISCUSSION

A. Filing Date or 35 U.S.C. 371(c) Date

Applicants request a corrected filing date (or 371(c) date) from 01 January 2010 to 04 January 2010. The actual filing date of the present application is the international filing date, i.e., 20 December 2007. (See 35 U.S.C. 363) The date in the filing date portion on the

filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

Applicants state in their present petition that a declaration/power of attorney was received at the United States Patent and Trademark Office on 04 January 2010. A review of the present application reveals that the declaration and power of attorney filed 04 January 2010 is located therein. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 04 January 2010 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 04 January 2010.

Additionally, the Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed 22 March 2010 which improperly identifies the "Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" as 01 January 2010 is hereby VACATED.

B. Priority Data

Additionally, applicants are requesting that "U.S. provisional application 60/875,990 filed 20 December 2006 and PCT application PCT/EP2007/064344 *(sic)* filed 11 October 2007" be added under Domestic Priority data as claimed by applicants of the Official Filing Receipt for the above-identified application. 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Rev. 2, May 2004, Reference to Prior Application. In this case, the benefit claim to PCT/EP2007/060850 does not comply with 37 CFR 1.78 since the proper relationship between PCT/EP2007/064344 and PCT/EP2007/060850 has not been stated. Therefore, applicants' request for corrected filing receipt cannot be granted at this time. The application data sheet and amended specification filed 19 June 2009 fail to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

In order to claim benefit under 35 U.S.C. 120 to the prior-filed application(s) at this point, applicants must file a petition under 37 CFR 1.78(a)(3). 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.

C. Inventors

As set forth in the published international application, the inventors of record are: Edward Dolk; Michael John Scott Saunders; Johannes Joseph Wilhelmus De Haard; Ignace Joseph Isabell Lasters; and Hendricus Renerus Jacobus Mattheus Hoogenboom.

CONCLUSION

Applicants' request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **REFUSED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and Official Filing Receipt mailed on 28 January 2010 are hereby **VACATED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED
AUG 17 2011
OFFICE OF PETITIONS

Applicants: Edward Dolk, et al.
Appl. No.: 12/520,272
International Filing Date: December 20 2007
Title: ORAL DELIVERY OF POLPEPTIDES
Attorney Docket: A0848.70111US00
Pub. No.: US 2010/0166734 A1
Pub. Date: July 1, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 31, 2010-, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains an error wherein the inventors, PCT filing date, benefit claim information are incorrect and non entry of a preliminary amendment.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b), with respect to the error wherein all of the inventors was not printed, the benefit claim was not printed correctly, and wherein the preliminary amendment filed with the application on June 19, 2009, was not printed.

The application was forwarded to the Office of PCT Legal Administration for review and the Decision mailed on May 6, 2011 dismissed Applicants request.

[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).

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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BEEM PATENT LAW FIRM
53 W. JACDSON BLVD., SUITE 1352
CHICAGO, IL 60604-3787

MAILED
JAN 07 2011
OFFICE OF PETITIONS

Applicant: Maigne, et al.
Appl. No.: 12/520,301
International Filing Date: December 21, 2007
Title: Systen For Enabling Multiple Execution Environments To Share A Device
Attorney Docket No.: 0404-0001
Pub. No.:2010/0031325 A1
Pub. Date: February 4, 2010

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on April 4, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the Office published the claims from the priority document and not the claims from the U.S. national stage application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the improper preliminary amendment is <u>not</u> an Office error. The patent application publication does not include a mistake regarding the failure to include the improperly submitted preliminary amendment. The application published with the claims as initially filed, which are the claims from the international application. Applicant did not file an amendment in compliance with 37 CFR 1.121.

Applicant entered the national stage from an international application, thus the application is the international application. See MPEP 1893 Also see below from the PCT Applicant's Guide:

[1] <u>Changes to Implement Eighteen-Month Publication of Patent Applications</u>, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, <u>Off. Gaz. Pat. Office Notices</u> 63, 75 (Oct. 10, 2000) (final rule).

2.001. What is the national phase? The national phase is the second of the two main phases of the PCT procedure. It follows the international phase and consists in the processing of the international application before each Office of or acting for a Contracting State that has been designated in the international application (see International Phase). In each designated State the international application has the effect of a national (or regional) application as from the international filing date, and the decision to grant protection for the invention is the task of the Office of or acting for that State (the "designated Office"). The national phase of processing the international application by the designated Office is generally delayed until the termination of the international phase on the expiration of the time limits indicated in paragraphs 3.001 and 3.002.

http://www.wipo.int/pct/en/guide/np02.html#_chapt2

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on April 5, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

M O. Po

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3633

In re

Patent Application of

Erwin BRUNNHOFER et al.

U.S. Application Serial No.: 12/520,311

Confirmation No.: 8565

Filed: August 3, 2009

Examiner: Rodney K. Mintz

Title: "PLASTIC PROFILE FOR WINDOW,
DOOR AND FAÇADE ELEMENTS"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.102 TO ACCORD SPECIAL STATUS FOR EXAMINATION UNDER PROJECT EXCHANGE/PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN BASED UPON EXPRESS ABANDONMENTOF ANOTHER COPENDING APPLICATION

The Applicants hereby request "special status" to be accorded to the above-noted application no. 12/520,511 based upon the express abandonment of another copending application as set forth in the following:

(1) The above-noted application is a non-provisional application having an actual filing date earlier than October 1, 2009.

(2) The Assignee of this application has another copending nonprovisional application (12/519,129), which also has an actual filing date earlier than October 1, 2009 and is complete under 37 CFR 1.53.

(3) US 12/520,311 and US 12/519,129 were commonly owned by the Assignee, Technoform Caprano und Brunnhofer GmbH & Co KG, as of October 1, 2009, as evidenced by the Assignments

recorded at reel/frame 023041/0944 and 023041/0768, respectively. In addition or in the alternative, both applications name Erwin Brunnhofer as a common inventor.

(4) The Applicant has filed a letter of express abandonment under 37 CFR. 1.138(a) in US 12/519,129 before it was taken up for examination. A copy of the letter of express abandonment and the statements that accompany the letter of express abandonment from US 12/519,129 are filed herewith as Exhibit A to this paper.

(5) The undersigned hereby certifies that the Applicant has not filed petitions in more than fourteen other applications requesting special status under this program.

(6) The Applicants agree 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. However, it is noted that the present application is a US National Stage Application submitted under 35 U.S.C. §371. Therefore, restriction and species election practice under 37 CFR §1.141-146 and MPEP 800 is legally inapplicable. 37 CFR §1.475 and §1.499; see also MPEP 1893.03(d). Instead, the unity of invention requirement must be applied to the pending claims of the present application. It is believed that all pending claims satisfy the unity of invention requirement in accordance with PCT Rule 13.2, 37 CFR §1.475 and MPEP 1850 and thus may be searched and examined together.

(7) No fee is believed to be required to consider this petition to make special and no authorization is provided to charge the undersigned's deposit account in the event that this belief is incorrect.

By: /Jeffrey D. Tekanic/

Jeffrey D. Tekanic
Registration No. 36,031

J-TEK LAW PLLC
601 Pennsylvania Avenue, NW
Suite 900, South Building
Washington, DC 20004

Tel.: +1 202 434 8344
Fax: +1 202 747 2888
Email: jeff@jtek-law.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

J-TEK LAW PLLC
601 Pennsylvania Avenue, NW
Suite 900, South Building
Washington DC 20004

MAILED
APR 14 2011
OFFICE OF PETITIONS

In re Application of :
BRUNNHOFER, et al. :
Application No. 12/520,311 :
35 U.S.C. 371 Date: August 3, 2009 :
Int. Appl. No.: PCT/EP2007/11025 :
Int. File Date: December 14, 2007 :
Attorney Docket No. **TEC003-00007** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed April 12, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of
Tseng et al.
Application No.: 12/520,376
PCT No.: PCT/US2007/026122
Int. Filing Date: 21 December 2007
Priority Date: 22 December 2006
Attorney Docket No.: 58086-277176
For: Microfluidic Platform For Cell Culture And Assay

DECISION

This is in response to the correspondence filed on 10 November 2009.

BACKGROUND

This international application was filed on 21 December 2007, claimed an earlier priority date of 22 December 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 June 2009. Applicants filed *inter alia* the basic national fee on 19 June 2009.

On 23 October 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

In response to the Notification of Missing Requirements mailed on 23 October 2009, applicants state that a declaration under PCT Rule 4.17(iv) was filed during the international phase, and that a copy thereof was filed "with this National Phase application." Review of the declaration filed as part of the Request (Form PCT/RO/101) in PCT/US2007/026122 reveals that it was unsigned. The Rule 4.17(iv) declaration available via the PATENTSCOPE service at www.wipo.int was filed later than the international filing date, but it did not identify the international application to which it was directed. With respect to the copy of the declaration filed on 19 June 2009, applicants cite MPEP 602 in asserting that identifying the name(s) of the inventor(s), and attorney docket number which was on the specification as filed, constitutes sufficient identification. However, inspection of said declaration filed on 19 June 2009 reveals that it appears to be a copy of the declaration available at www.wipo.int, which was later modified by adding what appears to be an attorney docket number. MPEP 605.04(a) explains (in part) that

> 37 CFR 1.52(c)(1) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper.

Since the alteration of the declaration occurred after it was signed, it would not be appropriate to accept it for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

Applicants are required to file an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h) within **ONE (1) MONTH** of the mailing date of this Decision. Extensions of time under 37 CFR 1.136(a) are **NOT** available. Failure to timely reply will result in **ABANDONMENT**. This period for response is analogous to that which would be set by a Notification of Defective Response (Form PCT/DO/EO/916).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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PCT LEGAL ADMINISTRATION

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	
Tseng et al.	:	
Application No.: 12/520,376	:	
PCT No.: PCT/US2007/026122	:	
Int. Filing Date: 21 December 2007	:	DECISION
Priority Date: 22 December 2006	:	
Attorney Docket No.: 58086-277176	:	
For: Microfluidic Platform For Cell Culture And Assay	:	

This is in response to the correspondence filed on 03 December 2010.

DISCUSSION

In a decision mailed on 19 November 2010, the declarations then of record were not accepted, without prejudice. In part, it was observed that

> inspection of said declaration filed on 19 June 2009 reveals that it appears to be a copy of the declaration available at www.wipo.int, which was later modified by adding what appears to be an attorney docket number... Since the alteration of the declaration occurred after it was signed, it would not be appropriate to accept it for purposes of compliance with 37 CFR 1.497(a) and (b).

In response, counsel asserts that the declaration filed on 19 June 2009

> was an unaltered copy of the declaration as received from the inventors. In addition, we filed an unaltered copy of the declaration during the international phase. It appears that the copy of the declaration that we filed was modified by the International Bureau of WIPO by deleting our docket number 58086-254283 from the top of each page of the declaration and adding the PCT application number. This modification was not made by the applicant or the applicant's representatives and was not present on the declaration as executed by the inventors.

Inspection of the international application file reveals that the docket number referenced in petitioner's statement excerpted above corresponds to the docket number shown on the unsigned Rule 4.17(iv) declaration included in the PCT Request filed on 21 December 2007, on the Request itself, as well as on the declaration filed on 19 June 2009. Counsel has also provided a copy of the declaration as submitted to the International Bureau on 23 April 2008, which shows the same docket number. Based on the totality of the evidence of record, it would be appropriate to accept counsel's statements, and pursuant to the policy described at MPEP 602, to regard the declaration filed on 19 June 2009 as properly identifying the application to which it was directed. As such, the Notification of Missing Requirements mailed on 19 June 2009 is hereby **VACATED**.

DECISION

The declaration filed on 19 June 2009 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **19 June 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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P.O. Box 1450
Alexandria, VA 22313-1450
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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

MAILED
MAR 31 2011
OFFICE OF PETITIONS

Applicant: Moller, et al.
Appl. No.: 12/520,400
International Filing Date: December 17, 2007
Title: SURFACE FINISHING OF ROTOR BLADES FOR WIND TURBINES
Attorney Docket No.: 5789-99PUS
Pub. No.: US 2010/0071209 A1
Pub. Date: March 25, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 5, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the names of two inventors are missing.

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 3, 2010 was not timely filed under 37 CFR 1.221(b).

Furthermore, while the error of the omission of two inventor names on the front page of the publication may be Office error, it is not a material Office error under 37 CFR 1.221. This omission does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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).

A Filing receipt was mailed by the Office on December 11, 2009, which only listed one inventor's name. To avoid this type of problem in the future applicants' 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" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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P.O. Box 1450
Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART LLP
SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED
SEP 28 2011
PCT LEGAL ADMINISTRATION

In re Application of Djaballah et al. Application No. 12/520,434 Int. App. No: PCT/US2007/088543 Int. Filing Date: 21 December 2007 Priority Date: 21 December 2006 Atty. Docket No.: 2003080-0323 For: Pyridazinones And Furan- Containing Compounds	:	DECISION

This is in response to the petition under 37 CFR 1.181 filed on 03 January 2011 and the request for corrected filing receipt filed on 05 March 2010.

BACKGROUND

International application PCT/US2007/088543 was filed on 21 December 2007, claimed an earlier priority date of 21 December 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 June 2009 (since 21 June 2009 was a Sunday) Applicants filed *inter alia* a basic national fee in 12/520,434 on 19 June 2009.

On 22 February 2009, a Notice of Acceptance (Form PCT/DO/EO/903) and a Filing Receipt were mailed to applicants.

DISCUSSION

Petitioner requests an overall "refund in the amount of $3528, equal to the full amount charged for the filing of the '256 application." Petitioner acknowledges that a $1764 refund already has been made. Petitioner also disputes the need for a petition under 37 CFR 1.182 (as discussed in a decision mailed in 12/520,256 on 02 August 2010).

Petitioner is advised that, under existing policy, a petition under 37 CFR 1.182 is required to correct errors or discrepancies in the international application identified, even if the nature of the error is typographic. In the instant case, should petitioner elect to submit a grantable petition under 37 CFR 1.182 correcting the error in the international application number, the papers in the instant case then will be merged into 12/520,256 and the duplicate fees will be refunded. Alternatively, petitioner may elect to petition to convert the status of the instant application to that of an application filed under 35 U.S.C. 111(a), in which case prosecution under the instant application number would continue but no further refund would be issued. Note that 12/520,256 currently stands abandoned.

In view of the above-noted error in the identified international application number, the Filing Receipt and Notice of Acceptance mailed on 22 February 2009 were issued in error, and both are hereby **VACATED**.

DECISION

The petition is **DISMISSED**, without prejudice.

Applicants are required to file an appropriate response within **TWO (2) MONTHS** of the mailing date of this decision, extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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07 SEP 2010

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
SMITH et al.	:	
Application No.: 12/520,449	:	DECISION
PCT No.: PCT/US2007/025972	:	
Int. Filing Date: 20 December 2007	:	
Priority Date: 22 December 2006	:	
Attorney Docket No.: 94449	:	
For: NOISE REDUCTION AND METHOD	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 09 August 2010 in the United States Patent and Trademark Office (USPTO). The petiton is **DISMISSED** as **MOOT**. The indication that the legal representative of the deceased inventor Harry B. Smith is incapacitated has been treated as a request for status under 37 CFR 1.42 and 1.43.

BACKGROUND

On 20 December 2007, applicant filed international application PCT/US2007/025972, which designated the United States and claimed a priority date of 22 December 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 June 2009.

On 19 June 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 08 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 March 2010, applicant filed a petition under 37 CFR 1.47(a), which included, *inter alia*, a petition/fee for a four-month extension of time and a declaration of facts by Elizabeth Hernandez with documents in support thereof.

On 07 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing legal representative for the joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided and that a statement of the last known address of the non-signing legal representative of the deceased inventor had not been provided.

On 09 August 2010, applicants filed the instant submission which was accompanied by a second declaration of inventors. The indication in this declaration that the legal representative of the deceased inventor is incapacitated has been treated as a request for status under 37 CFR 1.42 and 1.43.

DISCUSSION

Petition Under 37 CFR 1.47(a)

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

Request for Status Under 37 CFR 1.42 and 1.43

The indication that inventor Harry B. Smith is deceased has been treated as a request for status under 37 CFR 1.42. The indication that the legal representative of Harry B. Smith is incapacitated has been treated as a request for status under 37 CFR 1.43.

The declaration of inventors signed by the legal representative (Sheldon C. Smith) of the incapacitated legal representative (Dorothy L. Smith) of the deceased inventor (Harry B. Smith) is not complete because it does not identify each inventor and the country of citizenship of each inventor. I.e., pages 4-6 of the declaration are missing. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete

declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents. See also MPEP § 201.03, item II.B.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

For the reasons set forth above, the request for status under 37 CFR 1.42 and 1.43 is **REFUSED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper oath or declaration. Extensions of time under 37 CFR 1.136(a) are available. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42 and 1.43."

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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OCT 25 2010

PCT LEGAL ADMINISTRATION

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
SMITH et al.	:	
Application No.: 12/520,449	:	DECISION
PCT No.: PCT/US2007/025972	:	
Int. Filing Date: 20 December 2007	:	
Priority Date: 22 December 2006	:	
Attorney Docket No.: 94449	:	
For: NOISE REDUCTION AND METHOD	:	

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) and the Filing Receipt, both mailed 21 October 2010, were mailed in error and are hereby **VACATED**.

This is a decision on applicants' renewed request for status under 37 CFR 1.42 and 37 CFR 1.43.

BACKGROUND

On 20 December 2007, applicant filed international application PCT/US2007/025972, which designated the United States and claimed a priority date of 22 December 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 June 2009.

On 19 June 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 08 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 March 2010, applicant filed a petition under 37 CFR 1.47(a), which included, *inter alia*, a petition/fee for a four-month extension of time and a declaration of facts by Elizabeth Hernandez with documents in support thereof.

On 07 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 09 August 2010, applicants filed a submission which was accompanied by a second declaration of inventors.

On 07 September 2010, a decision was mailed indicating that the petition under 37 CFR 1.47(a) was moot because a 37 CFR 1.497 declaration had been executed by all of the joint inventors. The decision also noted that the indication in the declaration of inventors filed 09 August 2010 that inventor Harry B. Smith is deceased was treated as a request for status under 37 CFR 1.42 and the indication that the legal representative of Harry B. Smith is incapacitated was treated as a request for status under 37 CFR 1.43. Finally, it was noted that the request for status under 37 CFR 1.42 and 1.43 was refused because the declaration of inventors signed by the legal representative (Sheldon C. Smith) of the incapacitated legal representative (Dorothy L. Smith) of the deceased inventor (Harry B. Smith) was not complete because it did not identify each inventor and the country of citizenship of each inventor (i.e., pages 4-6 of the declaration were missing).

On 07 October 2010, applicants filed several declarations of inventors.

DISCUSSION

The declaration filed 07 October 2010 and signed by Sheldon C. Smith fails to comply with 37 CFR 1.497(a)-(b). While it appears that the information (residence, post office address, and citizenship) below Sheldon C. Smith's signature is that of deceased inventor Harry B. Smith, the declaration does not include *the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to* the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)). A declaration signed by Sheldon C. Smith on behalf of the deceased inventor's (Harry B. Smith) legal representative (Dorothy L. Smith) must contain the residence, mailing address and citizenship of both Sheldon C. Smith and Dorothy L. Smith in addition to the full name and citizenship of the deceased inventor. (The declaration must also comply with the other provisions of 37 CFR 1.497(a)-(b) as well. E.g., identifying each inventor and the country of citizenship of each inventor.)

CONCLUSION

For the reasons set forth above, the request for status under 37 CFR 1.42 and 1.43 is **REFUSED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper oath or declaration. Extensions of time under 37 CFR 1.136(a) are available. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42 and 1.43."

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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PCT LEGAL ADMINISTRATION

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
SMITH et al.	:	
Application No.: 12/520,449	:	DECISION
PCT No.: PCT/US2007/025972	:	
Int. Filing Date: 20 December 2007	:	
Priority Date: 22 December 2006	:	
Attorney Docket No.: 94449	:	
For: NOISE REDUCTION AND METHOD	:	

This is a decision on applicants' renewed request for status under 37 CFR 1.42 and 37 CFR 1.43 filed 22 February 2011.

BACKGROUND

On 20 December 2007, applicant filed international application PCT/US2007/025972, which designated the United States and claimed a priority date of 22 December 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 June 2009.

On 19 June 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 08 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 March 2010, applicant filed a petition under 37 CFR 1.47(a), which included, *inter alia*, a petition/fee for a four-month extension of time, a declaration of

inventors, and a declaration of facts by Elizabeth Hernandez with documents in support thereof.

On 07 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 09 August 2010, applicants filed a submission which was accompanied by a second declaration of inventors.

On 07 September 2010, a decision was mailed indicating that the petition under 37 CFR 1.47(a) was moot because a 37 CFR 1.497 declaration had been executed by all of the joint inventors. The decision also noted that the indication in the declaration of inventors filed 09 August 2010 that inventor Harry B. Smith is deceased was treated as a request for status under 37 CFR 1.42 and the indication that the legal representative of Harry B. Smith is incapacitated was treated as a request for status under 37 CFR 1.43. Finally, it was noted that the request for status under 37 CFR 1.42 and 1.43 was refused because the declaration of inventors signed by the legal representative (Sheldon C. Smith) of the incapacitated legal representative (Dorothy L. Smith) of the deceased inventor (Harry B. Smith) was not complete because it did not identify each inventor and the country of citizenship of each inventor (i.e., pages 4-6 of the declaration were missing).

On 07 October 2010, applicants filed several declarations of inventors.

On 25 October 2010, a decision was mailed indicating that the declaration filed 07 October 2010 signed by Sheldon C. Smith failed to comply with 37 CFR 1.497(a)-(b) because it did not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)).

On 22 February 2011, applicants filed a new declaration of inventors signed by Sheldon C. Smith, the legal representative (Sheldon C. Smith) of the incapacitated legal representative (Dorothy L. Smith) of the deceased inventor (Harry B. Smith)

DISCUSSION

An two-month extension of time fee has been charged to Deposit Account 06-1135. The submission filed 22 February 2011 has been reviewed and has been found in compliance with 37 CFR 1.42 and 37 CFR 1.43. The declarations filed 22 February 2011 and 08 March 2010 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 and 37 CFR 1.43 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **22 February 2011**. (The Filing Receipt and the NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903), both mailed 21 October 2010, were **VACATED**. in the Decision mailed 25 October 2010.)

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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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.
12/520,450	06/19/2009	Miguel A. Sierra	14837.01	9127

25570 7590 08/23/2010
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

EXAMINER
MORRIS, PATRICIA L

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
08/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lgallaugher@rmsclaw.com
dbeltran@rmsclaw.com
docketing@rmsclaw.com

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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

AUG 2 3 2010

In re Application of	:	
SIERRA, MIGUEL A. et. al.	:	DECISION ON REQUEST TO
Application No. 12/520,450	:	PARTICIPATE IN PCT-PATENT
Filed: June 9, 2009	:	PROSECUTION HIGHWAY PILOT
Attorney Docket No. 14837.01	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed March 16, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT- PPH Pilot program and petition to make special require:

(1) The U.S. application is a national stage entry of the corresponding EPO PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s);
(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application;
(5) Examination of the U.S. application has not begun;
(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof;
(7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PCT-PPH Pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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Patent No. : 8063194 B2
Application No.: 12/520487
Inventor(s) : Boles, et al.
Issued : 11/22/2011
Attorney Docket No.: BB.248

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, or 1.323.

The alleged error appearing in the printed patent in Foreign Application Priority Data is a change made in accordance with the Style Manual of the Government Printing Office and the Patent Data Base Entry Preparation Manual. Therefore, no Correction is in order here under Rules 1.322 or 1.323.

In view of the foregoing, your request, in this matter, is hereby denied.

A certificate of correction will be issued for the remaining errors noted on the request.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 12/19/2011

Address: David R. Saliwanchik
Saliwanchik, Lloyd & Eisenschenk
P.O. Box 142950
Gainesville, FL 32614-2950

ts

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Patent No. : 8063194 B2
Application No.: 12/520487
Inventor(s) : Boles, et al.
Issued : November 22, 2011
Attorney Docket No.: BB.248

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. A copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued for remaining errors noted on the request.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 12/19/2011

Address: David R. Saliwanchik
Saliwanchik, Lloyd & Eisenschenk
P.O. Box 142950
Gainesville, FL 32614-2950

ts

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SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Patent No. 8,063,194	:	
Issued: November 22, 2011	:	
Application No. 12/520,487	:	ON PETITION
Filed: January 27, 2010	:	
Attorney Docket Number: BB.248	:	

This is a decision on the petition filed December 30, 2011 under 37 CFR 3.81(b)[1] for correction of the assignee data.

The petition is **GRANTED**.

Although the correct name of the assignee was included on the Issue Fee Transmittal, PTOL-85B at the time the issue fee was paid, petitioner states that the assignment information was updated but prior to the issuance of the patent. The assignee, as recorded prior to issuance is **Butalco GmbH**.

In view thereof, and since Office assignment records reflect that **Butalco GmbH** is the assignee of record as of October 25, 2011, the request complies with the provisions of 37 CFR 3.81(b) and it is therefore appropriate for a certificate of correction to issue.

The petition fee in the amount of $130.00 and the fee for the certificate of correction in the amount of $100 have been applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] *See* Official Gazette of June 22, 2004

1 3 AUG 2010

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
FOSTER	:	
Application No.: 12/520,517	:	
PCT No.: PCT/NL2007/050680	:	DECISION ON PETITION
Int. Filing Date: 21 December 2007	:	
Priority Date: 22 December 2006	:	UNDER 37 CFR 1.497(d)
Attorney Docket No.: 267369	:	
For: VEHICLE SYSTEM, AND METHOD	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed 03 June 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 December 2007, applicant filed international application PCT/NL2007/050680, which claimed a priority date of 22 December 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 22 June 2009.

On 19 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 27 November 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 16 December 2009, applicant filed a combined declaration and power of attorney signed by the sole inventor.

On 21 January 2010, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) advising applicant that the filed declaration was non-complaint as it listed the inventor as Darren Leigh Foster whereas the inventor was listed on the published international application as Darrel Leigh Foster. Applicant was afforded one month or the extendable time from due date of the Form PCT/DO/EO/905 to file a response.

On 03 June 2010, applicant filed the petition discussed herein accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. Since the present response is filed after one month from the mail date of the Form PCT/DO/EO/916 the response period is calculated from the mailed date of the Form PCT/DO/EO/905. Applicant is advised that the due date for responding to the Form PCT/DO/EO/905 was 27 January 2010. As such, a response filed on 03 June 2010 requires a five-month extension of time and payment of the $2350.00 fee. Applicant has provided fee payments totaling $2130.00 (a $400.00 petition fee and $1730.00 for payment of a four-month extension of time). As discussed below, the $400.00 petition fee is not required. This money will be applied to the five-month extension of time and applicant's deposit account 12-1216 will be charged the additional $220.00. The response is considered timely filed.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

In the present case the declaration does not list a different inventive entity than the published international application in that is identifies the sole inventor, Mr. Foster albeit with his first name spelled differently than that on the published international application. Similarly, where an inventor changes his or her name a petition under 37 CFR 1.182 is required. However, the Manual of Patent Examining Procedure (MPEP) 201.03 provides that, "Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g)." In the present case a new declaration was required as the originally filed declaration contained non-initialed and dated alterations. Applicant has presently provided a compliant declaration of the inventor as well as statement confirming that the inventors name is that which is listed on the declaration and the error in the published international application was a typographical error. As such, it is proper to accept applicant's declaration filed 03 June 2010 and move the application forward for a "Notification of Acceptance."

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED as moot**.

This application has an international application filing date of 21 December 2007 and will be given a date of **03 June 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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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.
12/520,543	10/07/2009	Ari Antero Minkkinen	03298.0002.PCUS00	9918

32894 7590 08/25/2010
HOWREY LLP-EU
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR., SUITE 200
FALLS CHURCH, VA 22042

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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August 24, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Ari Minkkinen	:	PARTICIPATE IN PATENT
Serial No. 12/520,543	:	PROSECUTION HIGHWAY
Filed: June 22, 2009	:	PILOT PROGRAM AND
For: APPARATUS AND METHOD FOR	:	PETITION TO MAKE SPECIAL
ENERGY RECOVERY	:	UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed July 30, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;

(2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and
b. Submit a claims correspondence table;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

(6) Applicant must submit:

a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application)

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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LADAS & PARRY LLP
1040 AVENUE OF THE AMERICAS
NEW YORK, NY 10018-3738

MAILED
MAY 05 2011
OFFICE OF PETITIONS

Applicant: Kato, et al.
Appl. No.: 12/520,558
International Filing Date: December 21, 2007
Title: POLYMER FILM
Attorney Docket No.: U017705-1
Pub. No.: US 2010/0136287 A1
Pub. Date: June 3, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 25, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein two of the inventors' names have been omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication received on October 25, 2010, was not timely filed under 37 CFR 1.221(b).

The error on the front page of the publication wherein two of the inventor's name were omitted may be Office errors, but they are not material Office errors under 37 CFR 1.221. The omission of an inventor's name and residence does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine

[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.

On February 24, 2010, a Filing Receipt was mailed by the Office, which improperly omitted two of the inventor's. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

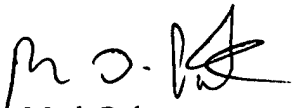
http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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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ROBERT C. FABER
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

MAILED
MAY 04 2011
PCT LEGAL ADMINISTRATION

In re Application of:	:	
GIES, Paul	:	DECISION
Application No.: 12/520,643	:	
PCT Application No.: PCT/CA2007/002359	:	
Int. Filing Date: 20 December 2007	:	UNDER
Priority Date: 21 December 2006	:	
Atty Docket No.: PV5207-21 (V 12471)	:	
For: LINEAR STRUCTURE INSPECTION	:	37 CFR § 1.181
APPARATUS AND METHOD	:	

This is in response to applicants' "PETITION UNDER 37 C.F.R. 1.181(A) and MPEP 711.03(C)(I)(A) TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION" filed on 28 October 2010. No petition fee is required.

BACKGROUND

On 20 December 2007, applicant submitted international application PCT/CA2007/002359, which claimed priority to a prior application filed 21 December 2006.

On 22 June 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee.

On 12 January 2010, The United States national stage office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (Form DO/EO/US) informing applicants of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 19 October 2010, applicants were mailed a Notification of Abandonment (Form PCT/DO/EO/909) informing applicants that applicants had failed to respond to the Form

PCT/DO/EO/905 mailed on 12 January 2010 within the time period set therein and that the above identified application was abandoned as to the United States.

On 28 October 2010, applicants filed the petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

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.

Applicants have satisfied the items listed above to show that the Form PCT/DO/EO/905 mailed was not received. Applicants have provided a statement from counsel explaining the firm's docketing system, as well as, avowing that the Form PCT/DO/EO/905 was not received. Applicants have additionally included a log of items received from the USPTO from 10 January 2010 to 12 August 2010.

Based on the above, the present submission does satisfy the requirement of MPEP 711.03(c).

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 19 October 2010 is hereby **VACATED**.

This application has an International Filing Date under 35 U.S.C. 363 of 20 December 2007, and a date under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) of 28 October 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557
Fax: (571) 273-0459

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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: 2832-0562PUS1	Application Number (if known): 12/520,673	Filing date: June 22, 2009
First Named Inventor: Jung Heum YUN		
Title: METHOD FOR MANUFACTURING A POLY-CRYSTAL SILICON PHOTOVOLTAIC DEVICE USING HORIZONTAL METAL INDUCED C		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date AUG - 6 2010
Name (Print/Typed) James T. Eller, Jr.	Registration Number 39,538

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.: 2832-0562PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Jung Heum YUN et al.		
Application No.:	12/520,673	Confirmation No.:	1534
Filed:	June 22, 2009	Art Unit:	2812
For:	METHOD FOR MANUFACTURING A POLY-CRYSTAL SILICON PHOTOVOLTAIC DEVICE USING HORIZONTAL METAL INDUCED CRYSTALLIZATION	Examiner:	Not Yet Assigned

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a photovoltaic device.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: AUG - 6 2010

Respectfully submitted,

By _____

James T. Eller, Jr.
Registration No.: 39538
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/520,673	06/22/2009	Jung-Heum Yun	2832-0562PUS1	1534

2292 7590 08/24/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2812	

NOTIFICATION DATE	DELIVERY MODE
08/24/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
YUN et al.	:	DECISION ON PETITION
Application No. 12/520,673	:	TO MAKE SPECIAL UNDER
Filed: 22 June 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2832-0562PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 06 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 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

PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Daniel J. Cosgrove	:	
Application No. 12/520,758	:	DECISION ON PETITION
Filed: June 22, 2009	:	TO WITHDRAW FROM
Attorney Docket No. 2065	:	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 June 24, 2011.

The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked by the assignee of the above application on June 24, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the new address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

30 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of	:	
IRIS, Francois	:	
Application No.: 12/520,789	:	DECISION
PCT No.: PCT/FR2007/002101	:	
Int. Filing Date: 18 December 2007	:	
Priority Date: 20 December 2006	:	
Attorney's Docket No.: IRIS 1	:	
For: METHOD FOR THE RANDOM . . .	:	
GENETIC SEQUENCE	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 22 January 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 December 2007, applicants filed international application PCT/FR2007/002101, which designated the U.S. and claimed a priority date of 20 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 07 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 June 2009 (20 June 2009 being a Saturday).

On 22 June 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a purported translation of the international application as filed.

On 19 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATION CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES (Form PCT/DO/EO/922).

On 03 September 2009, applicants filed a response to the Form PCT/DO/EO/922.

On 22 January 2010, applicants filed a submission including, *inter alia*, the instant petition under 37 CFR 1.182.

DISCUSSION

The petition requests that (1) the purported translation of the international application submitted on 22 June 2009 and the first page of WIPO publication number WO2008/093010 be expunged, (2), the translation filed 22 January 2010 be accepted and entered in place of the translation filed 22 June 2009, and (3) that the amendment filed 03 September 2009 be disregarded.

A petition under 37 CFR 1.59(b) is for expungement of papers rather than a petition under 37 CFR 1.182. Accordingly, the documents requested to be expunged have not been. It is noted that the mention of a petition under 37 CFR 1.59(b) should not be taken as an indication that such a petition would be granted.

In response to the petition under 37 CFR 1.182, the purported translation submitted 22 June 2009 has been annotated in the electronic file wrapper to indicate that it is an improper translation. The first page of WIPO publication number WO2008/093010 has also been annotated to indicate that it is not the proper abstract. The amendment filed 03 September 2009 has been annotated to indicate that it is also improper. The translation filed 22 June 2009 has been annotated to indicate that it is the correct translation.

Regarding the 03 September 2009 submission, it appears that the sequence listing filed on that date was directed to the instant application and was proper. Accordingly, it has not been annotated. It is also noted that the submission filed 03 September 2009 was a proper response to the NOTICE TO COMPLY filed 19 July 2009 since it included the necessary sequence listing requirements.

Finally, it is noted that it appears that the title of the application should be amended.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED** without prejudice for the reasons set forth above.

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.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

United States 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 17 2010

PCT LEGAL ADMINISTRATION

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

In re Application of
Sagar
Application No.: 12/520,816
PCT No.: PCT/IN2007/000600
Int. Filing Date: 20 December 2007
Priority Date: 22 December 2006
Attorney Docket No.: 1731/4
For: A Method And System With Inbuilt Intelligence For Finalizing And Delivering The Architecture

DECISION

This is with regard to the petition under 37 CFR 1.137(a) filed on 08 October 2010.

BACKGROUND

This international application was filed on 20 December 2007, designated the United States, and claimed an earliest priority date of 22 December 2006. The International Bureau transmitted a copy of the published international application to the USPTO on 03 July 2008. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 22 June 2009. Applicant timely paid the basic national fee.

On 04 November 2009, a Notification Of Insufficient Fees (Form PCT/DO/EO/923) was mailed to counsel.

On 28 September 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the "Form PCT/DO/EO/905" [sic] mailed on 04 November 2009.

DISCUSSION

Petition Under 37 CFR 1.137(a)

27 CFR 1.137(a) provides that

If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination prosecution terminated under §§ 1.550(d) or 1.957(b) or limited under § 1.957(c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Review of the record reveals that the Notification of Insufficient Fees was issued in error, as described below. As such, the petition under 37 CFR 1.137(a) was not necessary. The petition under 37 CFR 1.137(a) is DISMISSED for this reason. The petition fee will be refunded to applicants.

Constructive Petition Under 37 CFR 1.181

Review of the record reveals that the putative reason for abandonment was failure to respond to the Notification of Insufficient Fees (Form PCT/DO/EO/923) mailed on 04 November 2009. However, the Electronic Acknowledgment Receipt associated with the correspondence filed on 22 June 2009 indicates that applicants authorized fees to be charged to a Deposit Account. A review of the application file shows no indication that such a charge was attempted but unsuccessful. Therefore, the Notification of Insufficient Fees was issued in error, and it is hereby **VACATED.** Consequently, the Notification of Abandonment is also **VACATED**. The holding of abandonment is **WITHDRAWN**.

DECISION

The petition under 37 CFR 1.137(a) is **DISMISSED**, without prejudice.

The petition is **GRANTED** under 37 CFR 1.181.

This application is being returned to the Office of Patent Application Processing for further processing, including correction of the electronic records of the USPTO (PALM) to reflect its status as pending.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/520,926	06/23/2009	Kenichi Nakagawa	Q113934	2386

23373 7590 10/27/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
BRIGGS, NATHANAEL R

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
10/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	**: DECISION ON REQUEST TO**
NAKAGAWA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/520,926	**: PROSECUTION HIGHWAY**
Filed: June 23, 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: Q113934	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 23, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/520,930	06/23/2009	Kenichi Nakagawa	Q113935	2430

23373 7590 05/25/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
BRIGGS, NATHANAEL R

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
05/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.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

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	
NAKAGAWA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/520,930	**: PARTICIPATE IN THE PATENT**
Filed: 23 June 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: Q113935	**: PROGRAM AND PETITION**
For: RETARDATION	**: TO MAKE SPECIAL UNDER**
COMPENSATION ELEMENT ...	**: 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 on 11 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
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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MAILED
MAR 13 2012
OFFICE OF PETITIONS

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Patent No. 8,080,692	:	DECISION ON REQUEST
D'hondt et al.	:	FOR
Issue Date: December 20, 2011	:	RECONSIDERATION OF
Application No. 12/520,941	:	PATENT TERM ADJUSTMENT
Filed: June 23, 2009	:	and
Atty Docket No. **50304/228001**	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on February 21, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred and three (303) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred and two (302) days is **GRANTED to the extent indicated herein.**[1]

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or

---

[1] It is noted that patentees assert that only 51 days of reduction to the patent term adjustment should be entered for the filing of the Information Disclosure Statement on September 13, 2011, however, the period of reduction to the patent term adjustment under 37 CFR 1.704(c)(10) begins on, and includes, the date the amendment under 37 CFR 1.312 was filed and ends on, and includes, the mailing date of the response to the amendment under 37 CFR 1.312. "When a period is indicated (in 37 CFR 1.703 or 1.704) as 'beginning' on a particular day, that day is included in the period, in that such day is 'day one' of the period and not 'day zero.'" MPEP 2731. "For example, a period beginning on April 1 and ending on April 10 is ten (and not nine) days in length." Id. Thus, in this instance, the period of reduction to the patent term adjustment is 52 days.

patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The fee required under 37 CFR 1.18(e) was received on February 21, 2012. No additional fees are due.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and two (302)** days.

Telephone inquiries specific to this 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 DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,080,692 B2

DATED : Dec. 20, 2011

INVENTOR(S) : D'hondt, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (255) days

Delete the phrase "by 255 days" and insert – by 302 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/520,950	10/23/2009	Hirohito Hirata	TMCD-10002/08	2587

25006 7590 09/28/2011
GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER
LEON JR, JORGE LUIS

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
09/28/2011	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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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re Application of	:	
HIRATA, HIROHITO, et al.	:	DECISION ON REQUEST TO
Application No. 12/520,950	:	PARTICIPATE IN PATENT
Filed: October 23, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. TMCD-10002/08	:	PROGRAM AND PETITION
For: EXHAUST EMISSION CONTROL	:	TO MAKE SPECIAL UNDER
APPARATUS FOR INTERNAL	:	37 CFR 1.102(a)
COMBUSTION ENGINE		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 22, 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 Kenneth Rinehart, SPE of Art Unit 3743, and 571-272-4481 for Class 110 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

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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.
12/520,963	06/23/2009	Itaru Furukawa	050099-0432	2731

7590 03/28/2012
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
03/28/2012	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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.
12/520,963	06/23/2009	Itaru Furukawa	050099-0432	2731

EXAMINER
HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
03/28/2012	ELECTRONIC

7590 03/28/2012
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/520,986	06/24/2009	Kaoru Shibata	039.0120	3290

EXAMINER

ART UNIT	PAPER NUMBER
2815	

MAIL DATE	DELIVERY MODE
10/18/2010	PAPER

7590 10/18/2010
Judge Patent Associates
Vert Nakanoshima Kita, Suite 503
6-3 Nishitemma 4-Chome, Kita-ku
Osaka-Shi, 530-0047
JAPAN

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

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HAMMER & ASSOCIATES, P.C.
3125 SPRINGBANK LANE
SUITE G
CHARLOTTE NC 28226

In re Application of:	:	
NAKAE, Hiroki, et al.	:	
U.S. Application No.: 12/520,994	:	DECISION ON PETITION UNDER
PCT No.: PCT/JP2007/075133	:	37 CFR 1.47(a)
International Filing Date: 27 December 2007	:	
Priority Date: 27 December 2008	:	
Attorney Docket No.: 2060.12	:	
For: VACUUM BLOOD COLLECTION	:	
TUBE	:	

This decision is issued in response to applicants' "Response To Decision On Petition Under 37 CFR 1.47(a)" filed 20 August 2010, treated herein as a renewed petition. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 21 January 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventors refused to execute the application or cannot be located after diligent effort.

On 23 July 2010, applicants filed the "Response To Decision On Petition Under 37 CFR 1.47(a)" considered herein as a renewed petition, with the required five-month extension fee.

DISCUSSION

The renewed petition includes a supplemental statement form Yasuhiro Hashimoto, with accompanying documentary support, indicating that a signature request was delivered to the last known addresses of each of the non-signing inventors prior to each of the inventors' oral refusal to sign the declaration. While the cover letters accompanying the signature request do not refer to an enclosed copy of the application, the supplemental statement of Mr. Hashimoto filed herein confirms that the correspondence included copies of the "Application, Declaration, Power of Attorney, and Assignment."

The present submission, in combination with the materials filed with the original petition, provides an acceptable showing that the non-signing inventors have refused to execute the

application. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of inventors Hiroki NAKAE, Atsuhiko MINEKAWA, and Takeshi KURONO.

A notice of the acceptance of the application will be published in the Official Gazette, and letters informing the non-signing inventors of the application will be forwarded to the last known addresses of the non-signing inventors, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 October 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

07 SEP 2010

Commissioner for Patents
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Hiroki NAKAE
2-4-13-1103 Hisamoto
Takatsu-ku, Kawasakishi
Kanagawa 213-0011
JAPAN

In re Application of:
NAKAE, Hiroki, et al.
U.S. Application No.: 12/520,994
PCT No.: PCT/JP2007/075133
International Filing Date: 27 December 2007
Priority Date: 27 December 2008
Attorney Docket No.: 2060.12
For: VACUUM BLOOD COLLECTION TUBE

Dear Hiroki KAKAE:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
HAMMER & ASSOCIATES, P.C.
3125 SPRINGBANK LANE
SUITE G
CHARLOTTE NC 28226

UNITED STATES PATENT AND TRADEMARK OFFICE

07 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Takeshi KURONO
C/O Techno Agents Co., Ltd.,
Marutakehonmachi Bldg. 8F
1-6-18 Honmachi, Chuo-ku, Oosakashi,
Oosaka 541-0053
JAPAN

In re Application of:
NAKAE, Hiroki, et al.
U.S. Application No.: 12/520,994
PCT No.: PCT/JP2007/075133
International Filing Date: 27 December 2007
Priority Date: 27 December 2008
Attorney Docket No.: 2060.12
For: VACUUM BLOOD COLLECTION TUBE

Dear Takeshi KURONO:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
HAMMER & ASSOCIATES, P.C.
3125 SPRINGBANK LANE
SUITE G
CHARLOTTE NC 28226

UNITED STATES PATENT AND TRADEMARK OFFICE

07 SEP 2010

Commissioner for Patents
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Alexandria, VA 22313-1450
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Atsuhiko MINEKAWA
C/O Techno Agents Co., Ltd.,
Marutakehonmachi Bldg. 8F
1-6-18 Honmachi, Chuo-ku, Oosakashi,
Oosaka 541-0053
JAPAN

In re Application of:
NAKAE, Hiroki, et al.
U.S. Application No.: 12/520,994
PCT No.: PCT/JP2007/075133
International Filing Date: 27 December 2007
Priority Date: 27 December 2008
Attorney Docket No.: 2060.12
For: VACUUM BLOOD COLLECTION TUBE

Dear Atsuhiko MINEKAWA:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
HAMMER & ASSOCIATES, P.C.
3125 SPRINGBANK LANE
SUITE G
CHARLOTTE NC 28226

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.
12/520,998	06/24/2009	Hirohito Hirata	343440US26PCT	3415

22850 7590 07/25/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
LEON JR, JORGE LUIS

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
07/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of: HIRATA, HIROHITO, et al Serial No.: 12/520998 Filed: 06/24/2009 Attorney Docket No. : 343440US26PCT Title: EXHAUST EMISSION CONTROL APPARATUS FOR INTERNAL COMBUSTION ENGINE	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 20, 2011 to make the above-identified application special.

The request and petition are **granted**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The instant petition complies with items 1 –6 above. Accordingly, the above-identified application has been accorded "special" status. Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

In re Application of
WANG *et al*
Application No.: 12/521,055
PCT No.: PCT/CN2007/071298
Int. Filing Date: 21 December 2007
Priority Date: 25 December 2006
Atty. Docket No.: 13742-67
For: HYBRID POWER OUTPUT SYSTEM

DECISION

This is a decision on applicants' "SECOND RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 14 September 2010, which requests that the application be accepted without the signature of one of the joint inventors, Youchuan Song, on the grounds that he refuses to execute the application. The petition is **GRANTED** as discussed below.

On 29 July 2010, this Office mailed a decision on applicants' first renewed petition. The petition was dismissed on the grounds that the applicants had failed to properly establish that inventor Song had refused to sign the application papers.

A review of the application file reveals that the present renewed petition was accompanied by, *inter alia*, an acceptable showing of inventor Song's refusal. Therefore the requirements of 37 CFR 1.47(a) have now been satisfied.

A further review of the application file reveals that the requirements for entry into the national stage in the U.S. under 35 U.S.C. 371 have also now been satisfied.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address of record as set forth in the present papers, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application has an international filing date of 21 December 2007, under 35 U.S.C. 363 and a date of **24 June 2009**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

Youchuan Song
Shanghai BYD Co., Ltd. No. 999
Xiangjing Road
Songjiang, Shanghai, 201611
P.R. China

In re Application of
WANG *et al*
Application No.: 12/521,055
PCT No.: PCT/CN2007/071298
Int. Filing Date: 21 December 2007
Priority Date: 25 December 2006
Atty. Docket No.: 13742-67
For: HYBRID POWER OUTPUT SYSTEM

NOTIFICATION

Dear Youchuan Song:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan

The United States Patent and Trademark Office (USPTO) considers the effects of the earthquake and resulting tsunami in Japan on March 11, 2011, to be an "extraordinary situation" within the meaning of 37 CFR 1.183 and 37 CFR 2.146 for affected patent and trademark applicants, patentees, reexamination parties, and trademark owners. Since this catastrophic event occurred outside the United States and did not result in a postal service interruption in the United States Postal Service, the USPTO has no authority to designate a postal service emergency as authorized by 35 U.S.C. 21(a).

For patent applications and reexamination proceedings pending in the USPTO as of March 11, 2011, having one or more inventors, an assignee, or a correspondence address in areas of Japan affected by the earthquake and tsunami, in which a reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding, and for which the statutory or non-statutory time period set for response has not yet expired, the USPTO will, on applicant's request, or a reexamination party's request, withdraw the Office communication and reissue it. The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Form PTO/SB/425 will be available in EFS-Web and on the USPTO Web site at http://www.uspto.gov/forms/index.jsp. The use of form PTO/SB/425 is encouraged to facilitate processing of the request.

For patentees who were unable to timely pay a patent maintenance fee due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee and the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment when the patentee files the maintenance fee payment with a petition to accept a delayed maintenance fee under 37 CFR 1.378(c). *See* 37 CFR 1.183.

Patentees who seek to pay a maintenance fee during the six-month grace period following the window to pay the maintenance fee with a request to waive the surcharge in 37 CFR 1.20(h), must mail the payment and request to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or via facsimile to: 571-273-6500.

The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice with the payment of the maintenance fee during the grace period will be treated as a representation that the late payment of the fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(h). This waiver may only be appropriately requested where the original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011, and the delay in paying the fee was due to the effects of the earthquake and tsunami of March 11, 2011.

The USPTO advises patentees who need to file a petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami of March 11, 2011, where the maintenance fee payment was required to have been paid after March 10, 2011, to promptly file a petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – **Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))** accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)) and either a copy of this notice or form PTO/SB/425. The inclusion of a copy of this notice will be treated as a representation that the delay in payment of the maintenance fee was due to the effects of the earthquake and resulting tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(i). The petition must filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

Patentees are reminded that a petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c). A petition to accept a delayed maintenance fee payment filed later than twenty-four months after the expiration date of the patent must be filed under 37 CFR 1.378(b) and include a showing that the delay in payment was unavoidable. A petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami may be submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

For applicants who file a nonprovisional application on or after March 11, 2011, and prior to April 12, 2011, without an executed oath or declaration or payment of the basic filing fee, search fee, and/or examination fee due to the earthquake and tsunami of March 11, 2011, the USPTO will waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee. Patent applicants seeking waiver of the surcharge must include either form PTO/SB/425 or a copy of this notice, along with the executed oath or declaration or the basic filing fee,

search fee, or examination fee. The inclusion of a copy of this notice will be treated as a representation that the late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.16(f). The reply to the Notice to File Missing Parts requiring the oath or declaration or the filing fees may be submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent-related inquiries concerning this notice may be directed to the Office of Patent Legal Administration at (571) 272-7704 ((571) 272-7703 for reexamination), or by e-mail at PatentPractice@uspto.gov.

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, in which a an Office action (final, non-final, or other), a notice of allowance, or other Office notice requiring a response (hereinafter collectively referred to as "Office communication") is outstanding, the USPTO will, upon request, withdraw the Office communication and reissue it. The request must be made prior to the deadline for responding to the Office communication, and indicate that the need for the reissuance of the Office communication is due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via e-mail to TMFeedback@uspto.gov or by mail to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451. If necessary, changes of correspondence address should be provided.

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, that were abandoned or cancelled due to inability to timely respond to a trademark-related Office communication due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the petition fee (set by regulation, rather than statute) to revive the abandoned application or cancelled registration. Either a petition by regular mail to the address set forth in the preceding paragraph, or the Trademark Electronic Application System (TEAS) "Request for Reinstatement" form should be used, and must include a verified statement that the failure to respond to the Office communication was due to the effects of the earthquake and resulting tsunami.

Trademark-related inquiries concerning this notice may be directed to the Trademark Office of Petitions by telephone at (571) 272-8950, by facsimile at (571) 273-8950, or by e-mail at TMFeedback@uspto.gov.

The USPTO cannot grant waivers or extensions of dates or requirements set by statute. For example, the following patent-related time periods cannot be extended by the Director: (1) the period set forth in 35 U.S.C. 119(a)-(d) to file a nonprovisional patent application claiming the benefit of a prior-filed foreign application; (2) the twelve-month time period set forth in 35 U.S.C. 119(e) during which a nonprovisional application claiming the benefit of a prior filed provisional application must be filed in order to

obtain benefit of the provisional application's filing date; (3) the copendency requirement of 35 U.S.C. 120 between a parent application which issues as a patent and a later filed child application, which requires that the child application be filed prior to issuance of the parent application; (4) the three-month time period to pay the issue fee set forth in 35 U.S.C. 151; (5) the 35 U.S.C. 304 two-month time period from the date of patentee service, for a requester to file, in an *ex parte* reexamination, a reply to a statement filed by the patentee; and (6) the 35 U.S.C. 314(b)(2) thirty-day time period from the date of service, for a requester to file, in an *inter partes* reexamination, written comments addressing issues raised by an Office action or the patentee's response to the action. The following statutory trademark-related time periods cannot be extended and statutory fees cannot be waived by the Director: (1) the 36-month period set forth in 15 U.S.C. 1051(d) within which a statement of use must be filed and the associated fee(s); (2) the periods set forth in 15 U.S.C. 1058, 1141(k) for filing affidavits of continued use or excusable nonuse and the associated fee(s); (3) the period set forth in 15 U.S.C. 1059 for filing a renewal and the associated fee(s); and (4) the periods set forth in 15 U.S.C. 1063 and 1064 for filing an opposition or cancellation proceeding at the Trademark Trial and Appeal Board.

Date: 3/17/11

David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Yasushi SUGIURA et al.	Confirmation No.:	3992
Serial No.:	12/521,057	Group Art Unit:	1796
Filed:	June 24, 2009	Examiner:	Marc S. Zimmer
Atty. No.:	OSP-29824/065361.00008		
Title:	CATALYST FOR DEALCOHOLIZATION CONDENSATION REACTION AND METHOD FOR PRODUCING ORGANOPOLYSILOXANE USING THE SAME		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Request for Relief Due to Events of March 11, 2011, in Japan

Sir:

In response to the Office Action mailed October 20, 2010, please consider the request and remarks as follows.

Remarks begin on page 2 of this paper.

REMARKS

Applicants respectfully request relief due to the events of March 11, 2011, in Japan. Accordingly, please see the attached Certification and Request.

Although the instant Office Action was received by the Applicants in ordinary course, Applicants submit that an additional extension is now necessary to respond to the Office action due to the March 11th, 2011 events in Japan. In other words, the Applicants would have needed to take a 2-month extension in order to timely respond to the Office Action for strategic reasons, outside of the events which occurred on March 11th, 2011 in Japan. However, because of the March 11th events, Applicants have been unable to properly address the response. Therefore, a 3-month extension is necessary to respond to the instant Office Action. Accordingly, Applicants respectfully request reissue of the Instant Office Action. Thank you for your consideration.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, PLLC

Date: March 23, 2011

/Jacob P. Woolbright /
Jacob P. Woolbright, Registration No. 64,426
450 West Fourth Street
Royal Oak, MI 48067
(248) 723-0401

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOWARD & HOWARD ATTORNEYS PLLC
450 WEST FOURTH STREET
ROYAL OAK MI 48067

MAILED
APR 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Sugiura et al.	:	
Application No. 12/521,057	:	DECISION ON PETITION
Filed: June 24, 2009	:	
Attorney Docket No. OSP-29824/065361.00008	:	

This is a decision on the request filed March 23, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on October 20, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1765 for re-mailing the Office action of October 20, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/521,102	06/24/2009	Mikio Iwamura	17401/158001	4509

22511 7590 03/14/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
03/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
IWAMURA, MIKIO	:	DECISION ON REQUEST TO
Application No. 12/521,102	:	PARTICIPATE IN PATENT
Filed: June 24, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **17401/158001**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 21, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

MAILED

AUG 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Mikio Iwamura	:	
Application No. 12/521,102	:	DECISION GRANTING PETITION
Filed: June 24, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 17401/158001	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 4, 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 29, 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 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 02 2010

PCT LEGAL ADMINISTRATION

LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

In re Application of	:	
Velaparthi	:	
Application No.: 12/521,136	:	DECISION
PCT No.: PCT/US2008/050005	:	
Int. Filing Date: 02 January 2008	:	ON
Priority Date: 02 January 2007	:	
Attorney Docket No.: 10875 US PCT	:	PETITION
For: Intermediate Useful In Preparing Certain	:	
Pyrrolotriazine Compounds And A Process...	:	

This is in response to the petition to withdraw the holding of abandonment, filed on 08 September 2010.

BACKGROUND

This international application was filed on 02 January 2008, claimed an earliest priority date of 02 January 2007, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 02 July 2009. Applicants filed *inter alia* the basic national fee on 25 June 2009.

On 16 September 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 20 August 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed, indicating that this international application had become abandoned with respect to the national stage in the U.S. for failure to timely reply to the Notification of Missing Requirements.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment in view of a declaration filed on 15 September 2009, prior to issuance of the Notification of Missing Requirements. Inspection of the declaration filed on 15 September 2009 reveals it that complies with 37 CFR 1.497(a) and (b). As such, the Notification of Missing Requirements mailed on 16 September 2009 and the Notification of Abandonment mailed on 20 August 2010 were both issued in error, and both are hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

The surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 19-3880, as authorized.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 September 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED

DEC 23 2011

OFFICE OF PETITIONS

In re Application of :
Robert James Pasteris, et al. :
Application No.: 12/521,156 : ON PETITION
Filed: June 25, 2009 :
Attorney Docket No.: BA9392USPCT :

This is a decision on the petition, filed December 21, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 10, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1622 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110603

DATE : June 13, 2011

TO SPE OF : ART UNIT 1724

SUBJECT : Request for Certificate of Correction on Patent No.: 7875163

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 appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Inventor Alexander Gorer is added.

SPE: Keith D. Hendricks **Art Unit** 1724

16 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fish & Richardson P.C.
P. O. Box 1022
Minneapolis, MN 55440-1022

In re Application of:
MASLOWSKI et al.
Application No.: 12/521,262
PCT No.: PCT/US2007/088950
Int. Filing Date: 27 December 2007
Priority Date: 28 December 2006
Attorney Docket No.: 10592-0028US1
For: METHODS FOR CULTURING DERMAL CELLS FOR TREATMENT OF SKIN INJURIES SUCH AS BURNS

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 07 June 2010 to accept the application without the signature of joint inventor, Myrna F. Thomas. Additionally, this decision is issued in response to applicants' "Communication Re Petition under 37 CFR 1.47(a)" filed 02 August 2010.

It is noted that the 07 June 2010 submission was not submitted within two months of the 06 November 2009 mail date of the Notification Of Missing Requirements. In order to avoid abandonment of the application, and pursuant to the authorization contained in the 07 June 2010 petition under 37 CFR 1.47(a), Deposit Account No. 06-1050 has been charged $2350 as the fee for a five-month extension of time. Based on this extension, the 07 June 2010 submission is considered a timely response to the Notification Of Missing Requirements.

Prior to the mailing of a decision on the petition under 37 CFR 1.47 filed 07 June 2010, applicant filed a declaration signed by the previously non-signing inventor, Myrna F. Thomas. Therefore, the petition for status under 37 CFR 1.47(a) is moot since the declaration filed 02 August 2010 was executed by the named inventor, the previous non-signing inventor, Myrna F. Thomas. The declaration filed 02 August 2010 is acceptable under 37 CFR 1.497

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 27 December 2007 under 35 U.S.C. 363 and a date of 02 August 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

O'BRIEN JONES, PLLC
1951 KIDWELL DRIVE
SUITE 550 B
TYSONS CORNER VA 22182

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of	:	
WUNDER, Thomas et al.	:	
Application No. 12/521,273	:	DECISION ON PETITION
Filed: November 24, 2009	:	TO WITHDRAW
Attorney Docket No. **1043.0027-00000**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the name inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **J.A. LINDEMAN & CO. PLLC**
3190 FAIRVIEW PARK DRIVE
SUITE 480
FALLS CHURCH, VA 22042

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:	12/521,298	Filing date:	June 25, 2009
First Named Inventor:	Robert ARNOTT, et al.		
Title of the Invention:	FREQUENCY HOPPING		

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/JP2008/051895

The international date of the corresponding PCT application(s) is/are: January 30, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

[X] Is attached

[ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

[ ] Is attached.

[X] 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 IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	12/521,298
First Named Inventor:	Robert ARNOTT, et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[ ] Is attached

[X] Has already been filed in the above-identified U.S. application on June 25, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[ ] Are attached.

[X] Have already been filed in the above-identified U.S. application on June 25, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
(see attached list)		

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 6, 2011
Name (Print/Typed) Sean M. McGinn, Esq.	Registration Number 34,386

US Claim Correspondence Table

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 is substantially identical with PCT claim 1 except that an amendment is made to change "means for" (at the end of PCT claim 1) to --a communication portion-- (see a Preliminary Amendment filed on June 25, 2009).
2	2	US claim 2 is identical with PCT claim 2.
3	3	US claim 3 is substantially identical with PCT claim 3 except that US claim 3 refers to claim 1 only (see a Preliminary Amendment filed on June 25, 2009).
4	4	US claim 4 is substantially identical with PCT claim 4 except that US claim 4 refers to claim 1 only (see a Preliminary Amendment filed on June 25, 2009).
5	5	US claim 5 is substantially identical with PCT claim 5 except that US claim 5 refers to claim 1 only (see a Preliminary Amendment filed on June 25, 2009), that an amendment is made to change "X is the initially allocated frequency resource" to --x is the initially allocated frequency resource-- (see a current (or 2nd) Preliminary Amendment), that "Y is the frequency hopped resource" to --y is the frequency hopped resource-- (see a current (or 2nd) Preliminary Amendment), and that "T is a time counter" to --t is a time counter--(see a current (or 2nd) Preliminary Amendment)
6	6	US claim 6 is substantially identical with PCT claim 6 except that US claim 6 refers to claim 1 only (see a Preliminary Amendment filed on June 25, 2009).
7	7	US claim 7 is substantially identical with PCT claim 7 except that US claim 7 refers to claim 1 only (see a Preliminary Amendment filed on June 25, 2009).
8	8	US claim 8 is identical with PCT claim 8.
9	9	US claim 9 is substantially identical with PCT claim 9 except that an amendment is made to change "comprising" (in PCT claim 9) to --further comprising-- (see a Preliminary Amendment filed on June 25, 2009).
10	10	US claim 10 is identical with PCT claim 10.
11	11	US claim 11 is identical with PCT claim 11.
12	12	US claim 12 is substantially identical with PCT claim 12 except that US claim 12 refers to claim 1 only and that an amendment is made to change "means" (in PCT claim 12) to --portion-- (see a Preliminary Amendment filed on June 25, 2009).
13	13	US claim 13 is substantially identical with PCT claim 13 except that US claim 13 refers to claim 1 only and that an amendment is made to change "means" (in PCT claim 13) to --portion-- (see a Preliminary Amendment filed on June 25, 2009).
14	14	US claim 14 is substantially identical with PCT claim 14 except that US claim 14 refers to claim 1 only (see a Preliminary Amendment filed on June 25, 2009).

15	15	US claim 15 is substantially identical with PCT claim 15 except that US claim 15 refers to claim 1 only (see a Preliminary Amendment filed on June 25, 2009).
16	16	US claim 16 is substantially identical with PCT claim 16 except that an amendment is made to change "means" (in PCT claim 16) to --portion-- (see a Preliminary Amendment filed on June 25, 2009).
17	17	US claim 17 is identical with PCT claim 17
18	18	US claim 18 is substantially identical with PCT claim 18 except that an amendment is made to change "of claim 14" (in PCT claim 18) to --selected from the group consisting of: a cellular telephone, a personal digital assistant, a laptop computer and a web browser-- and that another amendment is made to change "according to claim 15." (in PCT claim 18) to --comprising: data defining a division of the communications channel into a plurality of contiguous sub-bands each having N frequency resources; data defining an initial allocation of said frequency resources; a resource determination module operable to apply a frequency shift to the initially allocated frequency resource in accordance with a frequency hopping sequence to determine a frequency resource to use for communicating information with the other communications node, the frequency shift corresponding to an integer number of said sub-bands; and a communicating portion communicating information with ~~each user device~~ the other communications node using the determined frequency resource.-- (see a Preliminary Amendment filed on June 25, 2009 and a current (or 2nd) Preliminary Amendment).
19	19	US claim 19 is substantially identical with PCT claim 19 except that an amendment is made to change "the communication node comprising:" (in PCT claim 19) to --the method comprising:-- (see a Preliminary Amendment filed on June 25, 2009).
20	20	US claim 20 is substantially identical with PCT claim 20 except that an amendment is made to change "applying step" (in PCT claim 20) to --applying-- (see a Preliminary Amendment filed on June 25, 2009).
21	21	US claim 21 is substantially identical with PCT claim 21 except that US claim 21 refers to claim 19 only and that an amendment is made to change "applying step" (in PCT claim 21) to --applying-- (see a Preliminary Amendment filed on June 25, 2009).
22	22	US claim 22 is substantially identical with PCT claim 22 except that US claim 22 refers to claim 19 only and that an amendment is made to change "step of defining" (in PCT claim 22) to --defining-- (see a Preliminary Amendment filed on June 25, 2009).

23	23	US claim 23 is substantially identical with PCT claim 23 except that US claim 23 refers to claim 19 only, that an amendment is made to change "applying step" (in PCT claim 23) to --applying-- (see a Preliminary Amendment filed on June 25, 2009), and that another amendment is made to add "y is the frequency hopped resource;" (see a current (or 2nd) Preliminary Amendment).
24	24	US claim 24 is substantially identical with PCT claim 24 except that US claim 24 refers to claim 19 only and that an amendment is made to change "applying step" (in PCT claim 24) to --applying-- (see a Preliminary Amendment filed on June 25, 2009).
25	25	US claim 25 is substantially identical with PCT claim 25 except that US claim 25 refers to claim 19 only and that an amendment is made to change "comprising" (in PCT claim 25) to --further comprising-- (see a Preliminary Amendment filed on June 25, 2009).
26	26	US claim 26 is substantially identical with PCT claim 26 except that an amendment is made to change "step of dynamically calculating" (in PCT claim 26) to --dynamically calculating-- (see a Preliminary Amendment filed on June 25, 2009).
27	27	US claim 27 is substantially identical with PCT claim 27 except that an amendment is made to change "comprising" (in PCT claim 27) to --further comprising-- (see a Preliminary Amendment filed on June 25, 2009).
28	28	US claim 28 is substantially identical with PCT claim 28 except that an amendment is made to change "calculation step" (in PCT claim 28) to --calculation-- (see a Preliminary Amendment filed on June 25, 2009).
29	29	US claim 29 is substantially identical with PCT claim 29 except that an amendment is made to change "calculating step" (in PCT claim 29) to --calculating-- (see a Preliminary Amendment filed on June 25, 2009).
30	30	US claim 30 is substantially identical with PCT claim 30 except that US claim 30 refers to claim 19 only and that an amendment is made to change "communicating step" (in PCT claim 30) to --communicating-- (see a Preliminary Amendment filed on June 25, 2009).
31	31	US claim 31 is substantially identical with PCT claim 31 except that US claim 31 refers to claim 19 only and that an amendment is made to change "communicating step" (in PCT claim 31) to --communicating-- (see a Preliminary Amendment filed on June 25, 2009).
32	32	US claim 32 is substantially identical with PCT claim 32 except that US claim 32 refers to claim 19 only (see a Preliminary Amendment filed on June 25, 2009).
33	33	US claim 33 is substantially identical with PCT claim 33 except that US claim 33 refers to claim 19 only (see a Preliminary Amendment filed on June 25, 2009).

34	34	US claim 34 is substantially identical with PCT claim 34 except that an amendment is made to change "communicating step" (in PCT claim 34) to --communicating-- (see a Preliminary Amendment filed on June 25, 2009).
35	35	US claim 35 is substantially identical with PCT claim 35 except that US claim 35 refers to claim 19 only (see a Preliminary Amendment filed on June 25, 2009).

NOTE: PCT claim 36. to 52. (Cancelled)

U.S. Serial No.: 12/521,298
Docket No. WN-3157P
ASP.069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Robert ARNOTT, et al.

Serial No.: 12/521,298 Group Art Unit: 2611

Filing Date: June 25, 2009 Examiner: FAN, CHIEH M

For: FREQUENCY HOPPING

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY- PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM

Sir:

Submitted herewith is Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway (PCT-PPH) Pilot Program.

Respectfully submitted,

Date: 9/6/2011

Sean M. McGinn, Esq.
Registration No. 34,386

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100, Customer No. 21254

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/JP2008/051895	30.01.2008	05.02.2007

International Patent Classification (IPC) or both national classification and IPC
INV. H04B1/713 H04L12/28

Applicant
NEC CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Ricciardi, Maurizio Telephone No. +49 89 2399-7294

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/051895

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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	1-52
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-52
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-52
	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

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

Reference is made to the following documents:

D1: ERICSSON: "Frequency Hopping for E-UTRA Uplink" 3GPP TSG RAN WG1 #46BIS, [Online] no. **R1-062851**, 9 October 2006 (2006-10-09), - 13 October 2006 (2006-10-13) XP002482990 Seoul, Korea Retrieved from the Internet: URL:http://isearch.etsi.org/3GPPSearch/isy squery/7ed48402-7a77-48df-8d77-841184dbe63 0/4/doc/sub/R1-062851.DOC> [retrieved on 2008-06-03]

D2: NEC GROUP, NTT DOCOMO: "Performance of D_FDMA and L_FDMA with Frequency Hopping for EUTRA Uplink" 3GPP TSG RAN WG1 #46BIS, [Online] no. **R1-062761**, 9 October 2006 (2006-10-09), - 13 October 2006 (2006-10-13) XP002482989 Seoul, Korea Retrieved from the Internet: URL:http://isearch.etsi.org/3GPPSearch/isy squery/c135f916-5b50-41fc-b9f5-e5badcb5284 b/4/doc/sub/R1-062761.DOC> [retrieved on 2008-06-03]

1. Document D1, which is considered to represent the most relevant state of the art, discloses a frequency hopping communication scheme from which the subject-matter of claim 19 differs in that it presents:

1.1. sub-bands each having N frequency resources (obvious, in light of known FDMA scheme)

1.2. defining an initial allocation of said frequency resources (obvious, because every hopping scheme needs to be initialised)

1.3. applying a frequency shift to the initially allocated frequency resource in accordance with a frequency hopping sequence to determine a frequency resource to use for communicating data with the other communications node, the frequency shift corresponding to an integer number of said sub-bands.

2. The subject-matter of claim 19 is therefore new (Article 33(2) PCT).

3. The problem to be solved by the present invention may be regarded as how to keep resources, which are contiguous in a sub-band, contiguous in another sub-band after

an hop occurred

4. The solution to this problem proposed in claim 19 of the present application is considered as involving an inventive step (Article 33(3) PCT) because the distinguishing feature is not presented by any prior art document.

5. For the same reason, apparatus claim 1 fulfils the requirements of the PCT

6. Claims 2-16 and 20-35 are dependent on claims 1 and 19, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII
Certain defects in the international application

1. The statement in the description on page 23 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

2. References on page 1, lines 7-9 and on the last paragraph of page 23 do not seem to relate **directly** to the disclosure of the invention, therefore the used expression "which is incorporated herein in its entirety by reference", or any expression of the same kind should be deleted from the description. If matter in the document referred to is essential to satisfy the requirements of sufficiency of disclosure, then it should be expressly incorporated into the description, because the patent specification should, regarding the essential features of the invention, be self-contained, i.e. capable of being understood without reference to any other document.

Re Item VIII
Certain observations on the international application

1. Although claims 1, 17, 36, 51 have been drafted as separate independent apparatus 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 and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2. Previous objection holds for method claims 19 and 52 as well.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/521,298	06/25/2009	Robert Arnott	WN-3157P	6574

21254 7590 10/12/2011
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
HA, DAC V

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
10/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of	**: DECISION ON REQUEST TO**
ARNOTT et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/521,298	**: PROSECUTION HIGHWAY**
Filed: 25 June 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: WN-3157P	**: TO MAKE SPECIAL UNDER**
For: FREQUENCY HOPPING	**: 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 06 September 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1) and (3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII; of the Written Opinion (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
Quality Assurance Specialist
Technology Center 2600

U.S. Serial No. 12/521,298
Docket No.: WN-3157P
ASP.069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Robert ARNOTT, et al.

Serial No.: 12/521,298 Group Art Unit: 2611

Filing Date: June 25, 2009 Examiner: FAN, CHIEH M

For: FREQUENCY HOPPING

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Communication dated October 12, 2011, please consider the follows:

INTRODUCTORY COMMENTS

Remarks begin on page 2 of this paper.

REMARKS

In the Office Communication of October 12, 2011, the Examiner indicates that condition (2) for granting a Request for Participation in the PPH is not met (i.e., 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 (i.e., the written opinion of the International Search Authority) in the international stage, or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII).

The observations in Box VIII indicate that 1. "[a]lthough claims 1, 17, 36, and 51 have been drafted as separate independent apparatus 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 and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT. 2. Previous objection holds for method claims 19 and 52 as well".

The Applicant submits that independent apparatus claims 1, 17, 36, and 51 (and independent method claims 19 and 52) claim different features of the invention and thus each provide different scope. The claims are clear and concise, and are fully supported by the description in accordance with Article 6. Indeed, the fact that there are multiple claims has no bearing on "conciseness" of the claims themselves. Looking at each of the above claims, it is clear that each is concise.

U.S. Serial No. 12/521,298
Docket No.: WN-3157P
ASP.069

The Commissioner is hereby authorized to charge any deficiencies in fees or to credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

Sean M. McGinn, Esq.
Registration No.: 34,386

Date: 11/14/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254

UNITED STATES PATENT AND TRADEMARK 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.
12/521,298	06/25/2009	Robert Arnott	WN-3157P	6574

21254 7590 11/16/2011
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
HA, DAC V

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
11/16/2011	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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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of	**: DECISION ON REQUEST TO**
ARNOTT et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/521,298	**: PROSECUTION HIGHWAY**
Filed: 25 June 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: WN-3157P	**: TO MAKE SPECIAL UNDER**
For: FREQUENCY HOPPING	**: 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 06 September 2011 and renewed on 14 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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
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MAILED

NOV 18 2010

PCT LEGAL ADMINISTRATION

21839
BUCHANAN INGERSOL & ROONEY PC
P.O. Box 1404
Alexandria, VA 22313-1404

In re Application of
HIDROT, Jean-Denis
U.S. Application No.: 12/521,345
PCT No.: PCT/EP2007/063395
Int. Filing Date: 06 December 2007
Priority Date: 27 December 2006
Attorney Docket No.: 1033818-000382
For: TREAD HAVING A COMPOSITION CONTAINING A GUAR GUM POWDER

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the petition under 37 CFR 1.497(d) filed 28 April 2010.

BACKGROUND

On 05 November 2009, applicant filed a declaration executed by the two named inventors of PCT/EP2007/063395, a $130.00 surcharge fee, and an assignment.

On 28 April 2010, applicant filed a petition to remove one of the inventors pursuant to 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration executed by one inventor, a statement by the inventor being removed, a $130.00 processing fee, and a statement of consent by the assignee.

DISCUSSION

Applicant requests to remove Salvator PAGANO as an inventor in the above-captioned national stage application of PCT/EP2007/063395.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Items (1) and (2) of 37 CFR 1.497(d) are complete in the subject petition.

Regarding item (3) of 37 CFR 1.497(d), applicant provided written consent of the assignee, Michelin Recherche Et Technique S.A., signed by Philippe DeQuire who states that he is authorized to act on behalf of the assignee and consents to the removal of the inventor. This statement meets the requirements of section 324 of the MPEP.

However, applicant must also comply with 37 CFR 3.73(b) for the assignee. In this case, applicant did not provide 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, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. *See* 37 CFR 3.73(b)(1).

For this reason, item (3) of 37 CFR 1.497(d) is not yet satisfied.

CONCLUSION

Applicant's request to remove Salvator PAGANO as an inventor in the subject application is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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21839
BUCHANAN, INGERSOLL & ROONEY PC
P.O. Box 1404
Alexandria, VA 22313-1404

MAILED
JUN 07 2011
PCT LEGAL ADMINISTRATION

In re Application of :
HIDROT, Jean-Denis :
U.S. Application No.: 12/521,345 :
PCT No.: PCT/EP2007/063395 :
Int. Filing Date: 06 December 2007 :
Priority Date: 27 December 2006 :
Attorney Docket No.: 1033818-000382 :
For: TREAD HAVING A COMPOSITION :
CONTAINING A GUAR GUM POWDER :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 04 April 2011.

BACKGROUND

On 18 November 2010, a decision dismissing applicant's petition pursuant to 37 CFR 1.497(d) was mailed. Applicant was given two months to respond with extensions of time available.

On 04 April 2011, applicant filed the subject response which was accompanied by, *inter alia*, a statement under 37 CFR 3.73(b), a $130.00 fee, and authorization to charge any required fees to Deposit Account No. 02-4800.

DISCUSSION

Applicant requests to remove Salvator PAGANO as an inventor in the above-captioned national stage application

Applicant failed to satisfy item (3) of 37 CFR 1.497(d) in the initial petition. Applicant provided the written consent of the assignee, Michelin Recherche et Technique S.A. However, applicant did not provide 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, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office as required.

Applicant provided a $130.00 petition fee with the renewed response. This fee is not required and has been refunded. The $130.00 processing fee was previously submitted. A three-month extension fee of $1,110.00 has been charged to Deposit

Account No. 02-4800 as authorized.

In the renewed response, applicant provided a statement under 37 CFR 3.73(b) which lists the reel and frame number of the assignment. A review of the application verifies that an assignment was properly recorded in the above-captioned application on 05 November 2009. This is sufficient to satisfy item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicant's renewed request to remove Salvator PAGANO as an inventor pursuant to 37 CFR 1.497(d) is **GRANTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 December 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 28 April 2010.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/521,348	06/26/2009	Rudolf Fuchs	R.316635	7129

2119 7590 07/27/2011
RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

EXAMINER
NASH, BRIAN D

ART UNIT	PAPER NUMBER
3721	

MAIL DATE	DELIVERY MODE
07/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BACHMAN & LAPOINTE, P.C.
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

In re Application of: COSBY, STEVEN A. et al Serial No.: 12/688,085 Filed: Jan. 15, 2010 Attorney's Docket: 085.11304-US-AA(05-416-2) Title: CONVERGENT SPRAY NOZZLE APPARATUS	DECISION ON PETITION TO ENTER AMENDMENT AFTER FINAL

This is a decision on the petition filed on July 6, 2011 to enter the amendment after final under 37 CFR 1.116 filed on June 6, 2011. The petition is being considered pursuant to 37 CFR 1.181 and no fee therefore is required.

The petition is **DISMISSED**.

This application comes before the Technology Center Director for review of prosecution, in particular for review of the office letter (advisory action) of June 23, 2011. Petitioner opines that the examiner's refusal to enter the amendment after final filed on June 6, 2011 was improper because the amendment after final is in full compliance with 37 CFR § 1.116(b)[1].

Discussion and Analysis

In response to the amendment after final filed on June 6, 2011, the examiner stated in the advisory action the amendment broadens the claimed invention by deleting the recitation "nozzle". Petitioner argues that the broadening of claim 32 does not necessitate any further search or consideration. Petitioner also asserts that such broadening of claims reduce the appealable issue by removing the 112 rejection.

[1] 37 CFR § 1.116 (b) After a final rejection or other final action (§ 1.113) in an application or in an exparte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title): (1)An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action; (2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or (3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

After a careful analysis of the Rule 116 amendment of June 6, 2011, the facts do not support petitioner's arguments. First, by deletion of the word "nozzle" from claim 32, the examiner now has to consider other prior art references with broader scopes. Petitioner also argues that "examiner has already searched two outlets and has applied prior art references purportedly having two outlets." This line of arguments is incorrect. The search included "a first outlet" and "a second nozzle outlet." The "first outlet" does not require a nozzle. It can be of any type of outlet. The "second nozzle outlet" requires a specific outlet type that is a nozzle. The amendment requires a broader search to include a "second outlet" that can be of any type of outlet. By entering the Rule 116 amendment of June 6, 2011, the amendment will render claims 34 and 35 indefinite because "nozzle outlet" would have no antecedent basis. Under the circumstances, the examiner issued the advisory action in refusing entry of the Rule 116 amendment of June 6, 2011. The Advisory Action of June 23, 2011 is appropriate.

Entry of amendments after final rejection is not a matter of right (see 37 CFR 1.116). The review of the record shows that the examiner was in compliance with proper examining practice as set forth in MPEP 714.13 in refusing entry of the after final amendment submitted June 6, 2011. The examiner did not abuse his discretion or act in an arbitrary or capricious manner in denying entry of the proposed claims after final for the reasons stated. Therefore there is no basis for granting the relief requested.

Conclusion

For the foregoing reasons, the relief requested by petitioners will not be granted. Specifically, the examiner's refusal in admitting the amendment after final filed June 6, 2011 is proper.

The application is being forwarded to SPE of Art Unit 3752 for further processing. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136 (a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry C. Yuen, Supervisory Patent Examiner, at 571-272-4856.

The petition is dismissed.

Sharon A. Gibson, Director
Technology Center 3700

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.
12/521,380	06/26/2009	Hirohito Hirata	343987US26PCT	7369

22850 7590 07/11/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
DENION, THOMAS E

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
07/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:
HIRATA, HIROHITO
Serial No.: 12/521380
Filed: June 26, 2009
Attorney Docket No. : 343987US26PCT
Title: EXHAUST EMISSION CONTROL APPARATUS FOR INTERNAL COMBUSTION ENGINE

DECISION ON A REQUEST TO PARTICIPATE IN PCT/PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 20, 2011 to make the above-identified application special.

The request and petition are **granted.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) 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.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Nicholas H. Vrolijk, et al.	:	
Application No. 12/521,392	:	DECISION ON PETITION
Filed: June26, 2009	:	TO WITHDRAW
Attorney Docket No. 2007233-0108	:	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, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on May 13, 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
Petitions Examiner
Office of Petitions

cc: **JONES DAY**
222 E. 41st Street
New York, NY 10017

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/18/11

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 12521443 Patent No.: 7987731

CofC mailroom date: 11/09/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes to claim 7 be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☑ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

L. M. Fuller — 2855

SPE — **Art Unit**

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

MAR 08 2011

PCT LEGAL ADMINISTRATION

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of	:	
CURTIS, Rosane, et al.	:	
Application No.: 12/521,450	:	
PCT No.: PCT/IB2008/000522	:	
Int. Filing Date: 16 January 2008	:	
Priority Date: 16 January 2007	:	DECISION
Attorney Docket No.: 0380-P04254US01	:	
For: NEMATICIDAL EFFECTS OF	:	
CYSTEINE PROTEINASES AND	:	
METHODS OF USE THEREOF TO	:	
TREAT NEMATODE INFESTATION	:	

This decision is in response to applicants' response to the Notification of Missing Requirements, filed with the United States Patent and Trademark Office on 10 January 2011. It is being treated as Request for Status Under 37 CFR 1.43.

BACKGROUND

On 08 September 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 10 January 2011, applicants filed a declaration of the inventors including an indication that an inventor was legally incapacitated.

DISCUSSION

The oath or declaration for entry into the national stage in the United States must comply with 37 CFR 1.497(a)-(b). It does not. The declaration by the legal representative of Brian Kerry contains non-initialed, non-dated alterations to the name of the seventh inventor. As explained in MPEP 605.04(a):

> Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated.

A new oath or declaration by the legal representative is required.

CONCLUSION

For the above reasons, applicant's request for status under 37 CFR 1.43 is **REFUSED**.

A proper response is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUN 15 2011

PCT LEGAL ADMINISTRATION

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of :
CURTIS, Rosane, et al. :
Application No.: 12/521,450 :
PCT No.: PCT/IB2008/000522 :
Int. Filing Date: 16 January 2008 :
Priority Date: 16 January 2007 :
Attorney Docket No.: 0380-P04254US01 :
For: NEMATICIDAL EFFECTS OF :
CYSTEINE PROTEINASES AND :
METHODS OF USE THEREOF TO :
TREAT NEMATODE INFESTATION :

DECISION

This decision is in response to applicants' renewed Request for Status Under 37 CFR 1.43, filed with the United States Patent and Trademark Office on 14 April 2011.

BACKGROUND

On 08 March 2011, the Office mailed Decision, refusing applicant's request for status under 37 CFR 1.43 as the declaration contained non-initialed, non-dated alterations to the name of the seventh inventor.

On 14 April 2011, applicants filed a renewed request for status.

DISCUSSION

Applicants indicate that the information in the box for the seventh inventor is Brian Kerry's, including his citizenship and that Maxine Kerry altered the box to indicate she was signing as his legal representative. Maxine Kerry's information is listed on the supplemental sheet. If the citizenship in box seven is not that of Brian Kerry, the declaration does not comply with 37 CFR 1.497(a), applicants must notify the Office immediately and furnish a declaration in compliance with 37 CFR 1.497(a)-(b).

With the understanding that Brian Kerry's citizenship is listed for inventor seven, the 10 January 2011 declarations are accepted for compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's request for status under 37 CFR 1.43 is **GRANTED**.

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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BUCHANAN, INGERSOLL & ROONEY PC
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ALEXANDRIA VA 22313-1404

MAILED
NOV 02 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Lepley	:	
Application No.: 12/521,521	:	
International App. No.: PCT/EP2008/050127	:	
Int. Filing Date: 08 January 2008	:	
Priority Date: 09 January 2007	:	REQUEST UNDER
Attorney's Docket No.: 0074778-000011	:	
For: EMITTER LOCATION	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST UNDER 37 CFR 1.48 TO CORRECT INVENTORSHIP," filed on 19 February 2010, which is being treated as a request under 37 CFR 1.497(d) adding inventor, Keith HORSEY, and deleting inventor Martin LEPLEY in the executed declaration. The $130.00 processing fee has been provided by credit card.

BACKGROUND

On 08 January 2008, applicants filed international application No. PCT/EP2008/050127, and claiming an earliest priority date of 09 January 2007.

On 26 June 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed singed by inventor LEPLEY.

On 19 February 2010, petitioner filed, inter alia, a request under 37 CFR 1.497(d) to add inventor Keith HORSEY and to delete inventor Martin LEPLEY in the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(2) the fee set forth in § 1.17(I); and
(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not requirement (3).

With respect to item (1), the statements submitted on 19 February 2010 by Keith HORSEY and Martin LEPLEY are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been provided by credit card.

With respect to item (3), SELEX SENSORS & AIRBORNE SYSTEMS LTD, the assignee, has not consented to the correction of inventorship to the above application. Also, to establish the right of the Assignee to take action, applicant must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
APR 05 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Lepley	:	
Application No.: 12/521,521	:	
International App. No.: PCT/EP2008/050127	:	
Int. Filing Date: 08 January 2008	:	
Priority Date: 09 January 2007	:	REQUEST UNDER
Attorney's Docket No.: 0074778-000011	:	
For: EMITTER LOCATION	:	37 CFR 1.497(d)

This is a decision on applicants' "Renewed Request Under 37 CFR 1.48" filed on 02 February 2011, which is being treated as a renewed request under 37 CFR 1.497(d).

BACKGROUND

In a decision from this Office mailed on 02 February 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d). The assignee had neither consented nor established its ownership of the application accordance with 37 CFR 3.73.

On 02 February 2011, applicants filed the current renewed request, which included, *inter alia*, the requisite paper under 37 CFR 3.73(b).

DISCUSSION

A review of the application file reveals that applicants have still not satisfied item (3) under 37 CFR 1.497(d).

In regard to item (3), SELEX SENSORS & AIRBORNE SYSTEMS LTD, the assignee, has filed the requisite papers establishing its right to take action under 37 CFR §3.73(b) as a copy of the paper has indicated the Reel/ Frame number of the assignment 022883/0730.

However, there is no statement that the assignee has consented to the correction of inventorship to the above application. In addition, who signs on behalf of the assignee must have either apparent authority because of the title or have authority to act on behalf of the assignee. Note MPEP 1820

Accordingly, applicants are still deemed not to satisfy requirement (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
OCT 27 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Keith HORSEY	:	
Application No.: 12/521,521	:	
International App. No.: PCT/EP2008/050127	:	REQUEST UNDER
Int. Filing Date: 08 January 2008	:	
Priority Date: 09 January 2007	:	
Attorney's Docket No.: 0074778-000011	:	
For: EMITTER LOCATION	:	37 CFR 1.497(d)

This is a decision on applicants' "Renewed Request Under 37 CFR 1.48" filed on 05 August 2011, which is being treated as a renewed request under 37 CFR 1.497(d).

BACKGROUND

In a decision from this Office mailed on 05 April 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 05 August 2011, applicant filed the current renewed request.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d). In regard to item (3), the assignee, SELEX GALILEO LTD, consents to the addition of Keith HORSEY and removal of Martin LEPLEY to the above patent application, because Mr. John GRIFFIN has the authority as act on behalf of the assignee and as such binds the assignee. The assignee has also filed the requisite papers establishing its right to take action under 37 CFR §3.73(b).

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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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.
12/521,522	09/23/2009	Atsushi Harada	17470/020001	8365

22511 7590 08/01/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
BEDNASH, JOSEPH A

ART UNIT	PAPER NUMBER
2461	

NOTIFICATION DATE	DELIVERY MODE
08/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: HARADA et al.
Application No. 12521522
Filed: September 23, 2009
For: TRANSMITTER APPARATUS, RECEIVER APPARATUS, MOBILE STATION, AND RADIO BASE STATION

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 16, 2011, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the 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 JPO 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

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 Kim Huynh at 571-272-4147

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.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12521577
Filing Date	17-Aug-2010
First Named Inventor	Tapani Levola
Art Unit	2883
Examiner Name	GUY ANDERSON
Attorney Docket Number	NC53544US-PCT
Title	DEVICE FOR EXPANDING AN EXIT PUPIL IN TWO DIMENSIONS

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Thomas J. Arria/
Name	Thomas J. Arria
Registration Number	60223

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 14, 2012

In re Application of :

Tapani Levola

Application No : 12521577

Filed : 17-Aug-2010

Attorney Docket No : NC53544US-PCT

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 14, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DR. MARK 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	:	
Tzony SIEGAL	:	
Application No. 12/521,585	:	DECISION ON PETITION TO MAKE
Filed: June 29, 2009	:	SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. **3201-22**	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 26, 2010 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification by registered attorney Mark Friedman registration number 53006, attesting to the age of inventor Tzony Siegal. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/521,654	11/01/2010	Yasushi Tsuchida	08384.0015-00000	9688

22852 7590 08/09/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
LEE, JAMES

ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
08/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 9, 2011 EL

In re application of	:	DECISION ON REQUEST TO
TSUCHIDA, YASUSHI	:	PARTICIPATE IN PATENT
Serial No. 12/521,654	:	PROSECUTION HIGHWAY
Filed: November 01, 2010	:	PROGRAM AND
For: **ALL-SOLID-STATE LITHIUM**	:	PETITION TO MAKE SPECIAL
SECONDARY BATTERY	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed June 20, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120216

DATE : February 16, 2012

TO SPE OF : ART UNIT 1622

SUBJECT : Request for Certificate of Correction on Patent No.: 8,058,473

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:

/ANDREW D KOSAR/
Supervisory Patent Examiner.Art Unit 1622

UNITED STATES PATENT AND TRADEMARK OFFICE

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Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano TX 75024

MAILED

APR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
GERDES et al.	:	
U.S. App. No. 12/521,672	:	DECISION ON PETITION
PCT No.: PCT/SE2007/050740	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 October 2007	:	
Priority Date: 28 December 2006	:	
Attorney Docket: P23239-US2	:	
For: METHOD AND APPARATUS FOR SERVICE DISCOVERY	:	

The petition to revive under 37 CFR 1.137(b) filed 24 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (oath or declaration of the inventors) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : **8107480**
Ser. No. **12/521704**
Inventor(s) : **IMBIMBO, AMEDEO**
Issued : **01/31/2012**
Title : **METHOD, ARRANGEMENT, NODE AND ARTICLE FOR ENHANCING DELIVERY CAPACITY IN A TELECOMMUNICATIONS NETWORK BY TRANSCODING TRAFFIC INTO REQUESTED QUALITY OF SERVICE (QOS)**
Docket No. : **P22879-US1**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

OL

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/521,710	Filing Date:	June 29, 2009
Confirmation No.:	1241	Attorney Docket No.:	Q114068
First Named Inventor:	Yuji MIYOSHI		
Title of the Invention:	DEGRADATION DIAGNOSIS DEVICE FOR CATALYST		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The JPO/PCT application number(s) is/are: JP 2007-149662

The filing date of the JPO/PCT application(s) is/are: June 5, 2007

I. List of Required Documents:

a. A copy of the latest JPO office actions (other than "Decision to Grant a Patent"*) in the above-identified JPO application(s)

☐ Is attached.

☑ Is not attached because the JPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s)

☑ Is attached.

c. English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.

d. (1) An information disclosure statement listing the documents cited in the JPO office actions

☐ 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 _____

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

(continued)

Application No.:	12/521,710
First Named Inventor:	Yuji MIYOSHI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	Identical except that multiple dependency has been removed
5	5	Identical except that multiple dependency has been removed
6	6	Identical except that multiple dependency has been removed
7	7	Identical

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

IV. Payment of Fees:

☑ **The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.**

☐ **Credit Card.**

SEND ALL CORRESPONDENCE TO:
The address associated with Customer Number:

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Signature	/John M. Bird/	Date	July 28, 2011
Name (Print/Typed)	John M. Bird	Registration Number	46,027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Inventor: Yuji MIYOSHI et al
Application No. 12/521,710
Title: DEGRADATION DIAGNOSIS DEVICE FOR CATALYST

VERIFIED TRANSLATION OF DOCUMENTS CONCERNING JAPANESE PATENT APPLICATION

The undersigned, of the below address, hereby certifies that he well knows both the English and Japanese Languages, and that the attached are accurate translations of the documents listed below concerning Japanese Patent Application No. 2007-149662

Patentable Claims

Signed this 21st day of July, 2011

Signature: _____
Name: Hiroyuki HASHIRAYAMA
Address: No. 6-20, Akasaka 2-Chome
Minato-ku Tokyo 107-0052 Japan

Patentable Claims of JP Application No.2007-149662

【特許請求の範囲】
【請求項1】
内燃機関の排気空燃比をリッチ側に変化させるための排気空燃比変更手段と、
触媒に流入する排気ガスの温度である流入排気温を検出又は推定する流入排気温検出手段と、
触媒から流出する排気ガスの温度である流出排気温を検出する流出排気温検出手段と、
排気空燃比をリッチ側に変化させたときの流出排気温に関する昇温度合いを複数の流入排気温について求め、これら流入排気温と昇温度合いとから昇温度合いの勾配を求め、該勾配の最大値と、その最大値に対応する流入排気温との少なくとも一方に基づき、触媒の劣化を判定する劣化判定手段と
を備えたことを特徴とする触媒の劣化診断装置。
【請求項2】
勾配の最大値とその最大値に対応する流入排気温との間の予め定められた関係から、勾配の最大値に対応する流入排気温の基準値を算出し、この基準値と、勾配の最大値に対応する流入排気温の実際の検出値又は推定値とを比較して、当該検出値又は推定値の異常を判定する異常判定手段が備えられる
ことを特徴とする請求項1記載の触媒の劣化診断装置。
【請求項3】
異常判定手段により検出値又は推定値の異常が判定されたとき、当該検出値又は推定値を補正する補正手段が備えられ、
劣化判定手段が、勾配の最大値と、その最大値に対応する流入排気温の補正後の検出値又は推定値との少なくとも一方に基づき、触媒の劣化を判定する
ことを特徴とする請求項2記載の触媒の劣化診断装置。
【請求項4】
劣化判定手段が、勾配の最大値が所定値以下であるとき、及び勾配の最大値に対応する流入排気温が所定値以上であるときの少なくとも一方であるとき、触媒を劣化と判定する
ことを特徴とする請求項1乃至3のいずれかに記載の触媒の劣化診断装置。
【請求項5】
前記昇温度合いが、流出排気温を所定の目標昇温だけ上昇させるように排気空燃比をリッチ側に変化させたときの、実際の流出排気温の昇温量と目標昇温との比である昇温率からなる
ことを特徴とする請求項1乃至4のいずれかに記載の触媒の劣化診断装置。
【請求項6】
排気空燃比変更手段が、排気通路に燃料を添加する燃料添加弁を有する
ことを特徴とする請求項1乃至5のいずれかに記載の触媒の劣化診断装置。
【請求項7】
勾配の最大値とその最大値に対応する流入排気温との間の予め定められた関係が、マップ又は関数の形式で設定されている
ことを特徴とする請求項2記載の触媒の劣化診断装置。

CLAIMS

1. A degradation diagnosis device for a catalyst comprising:

exhaust air-fuel ratio changing means for changing an exhaust air-fuel ratio of an internal combustion engine to a rich side;

inflow exhaust temperature detecting means for detecting or estimating an inflow exhaust temperature which is a temperature of an exhaust gas flowing into a catalyst;

outflow exhaust temperature detecting means for detecting or estimating an outflow exhaust temperature which is a temperature of an exhaust gas flowing out from the catalyst; and

degradation determining means for finding a temperature increasing degree of the outflow exhaust temperature at the time the exhaust air-fuel ratio is changed to the rich side, in respect to each of a plurality of the inflow exhaust temperatures, and finding a grade of the temperature increasing degree based upon the inflow exhaust temperature and the temperature increasing degree to determine degradation of the catalyst based upon at least one of a maximum value of the grade and the inflow exhaust temperature corresponding to the maximum value.

2. The degradation diagnosis device for the catalyst according to claim 1, further, comprising:

abnormality determining means for calculating a reference value of the inflow exhaust temperature corresponding to the maximum value of the grade from a predetermined relation between the maximum value of the grade and the inflow exhaust temperature corresponding to the maximum value, and comparing the reference value with an actual detection value or an estimation value of the inflow exhaust temperature corresponding to the maximum value of the grade to determine an abnormality of the detection value or the estimation value.

3. The degradation diagnosis device for the catalyst according to claim 2, further, comprising:

correction means for correcting a detection value or an estimation value when the abnormality determining means determines that the detection value or the estimation value is abnormal,

wherein the degradation determining means determines the degradation of the catalyst based upon at least one of the maximum value of the grade and the corrected detection value or estimation value of the inflow exhaust temperature corresponding to the maximum value.

4. The degradation diagnosis device for the catalyst according to any one of Claims 1 to 3,

wherein the degradation determining means determines that the catalyst is degraded at least either when the maximum value of the grade is less than a predetermined value or when

the inflow exhaust temperature corresponding to the maximum value of the grade is more than a predetermined value.

5. The degradation diagnosis device for the catalyst according to any one of Claims 1 to 4,

wherein the temperature increasing degree comprises a temperature increasing rate which is a ratio of an actual temperature increasing amount of the outflow exhaust temperature and a predetermined target temperature increasing amount when the exhaust air-fuel ratio is changed to the rich side so as to increase the outflow exhaust temperature by the predetermined target temperature increasing amount.

6. The degradation diagnosis device for the catalyst according to any one of Claims 1 to 5,

wherein the exhaust air-fuel ratio changing means includes a fuel adding valve for adding fuel to an exhaust passage.

7. The degradation diagnosis device for the catalyst according to claim 2,

wherein the predetermined relation between the maximum value of the grade and the inflow exhaust temperature corresponding to the maximum value is set in the form of a map or a function.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/521,710	06/29/2009	Yuji Miyoshi	Q114068	1241

23373 7590 08/01/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
LEON JR, JORGE LUIS

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
08/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of: MIYOSHI, YUJI Serial No.: 12/521710 Filed: June 29, 2009 Attorney Docket No. : Q114068 Title: DEGRADATION DIAGNOSIS DEVICE FOR CATALYST	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 28, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) 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.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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POLSINELLI SHUGHART PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

MAILED

NOV 17 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
NETZ et al.	:	
Serial No.: 12/521,713	:	
PCT No.: PCT/EP07/64622	:	DECISION ON DECLARATION
Int. Filing Date: 28 December 2007	:	
Priority Date: 30 December 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 057977-401555	:	
For: SUBSTITUTED OXINDOLE DERIVATIVES AND	:	
THEIR USE AS VASOPRESSIN RECEPTOR LIGANDS	:	

This is a decision on applicant's "SUBMISSION OF DECLARATION PURSUANT TO 37 CFR 1.497(a) and (b) and 37 CFR 1.42" filed in the United States Patent and Trademark Office (USPTO) on 07 September 2010.

BACKGROUND

On 29 June 2009, applicant filed a request for entry into the U.S. National Stage under 35 U.S.C. 371 with the United States Designated/Elected Office (DO/EO/US) along with, *inter alia*, the basic national fee.

A Notification of Missing Requirements was not mailed to applicant. On 07 September 2010, applicant filed multi-paged declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the declaration after the thirty month period. Applicant requests acceptance of the declaration under 37 CFR 1.42 for deceased inventor Wolfgang Wernet .

DISCUSSION

The declaration submitted on 07 September 2010 is an eleven page declaration. However, the declaration as submitted is comprised of seven pages: Page 1 of 3, Page 2 of 3, Page 3 of 3, and eight (8) Supplemental Sheets including one that identifies a legal representative for deceased inventor Wernet. Each page identifies only one inventor. Each supplemental pages is executed by a different inventor. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into

one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, *the entire declaration, as executed by the inventor, must be submitted.* "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met. What is required is a statement from the attorney of record as to whether the inventors were presented with a complete copy of the declaration and that the declaration as submitted is in fact the declaration that was presented to the inventors, and is not a composite of separate declarations.

CONCLUSION

The declaration is unacceptable at this time. The request under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

The application will be held in PCT Legal Office to await applicant's further reply.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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PCT LEGAL ADMINISTRATION

POLSINELLI SHUGHART PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

In re Application of	:	
NETZ et al.	:	
Serial No.: 12/521,713	:	
PCT No.: PCT/EP07/64622	:	DECISION ON DECLARATION
Int. Filing Date: 28 December 2007	:	
Priority Date: 30 December 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 057977-401555	:	
For: SUBSTITUTED OXINDOLE DERIVATIVES AND	:	
THEIR USE AS VASOPRESSIN RECEPTOR LIGANDS	:	

This is a decision on applicant's "SUBMISSION OF DECLARATION PURSUANT TO 37 CFR 1.497(a) and (b) and 37 CFR 1.42" filed in the United States Patent and Trademark Office (USPTO) on 24 November 2010.

On 07 September 2010, applicant filed multi-paged declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the declaration after the thirty month period. Applicant requested acceptance of the declaration under 37 CFR 1.42 for deceased inventor Wolfgang Wernet.

On 17 November 2010, a decision was mailed to applicant indicating that the declaration appeared to be a composite declaration.

On 24 November 2010, attorney for applicant filed a reply indicating that "the entire declaration as submitted on 7 September 2010 is in fact the entire declaration that was presented to the inventors. The declaration is not a composite of separate declarations". Relying on the attorney's duty of candor and good faith, the Office accepts the attorney's explanation of the declaration. The declaration is acceptable as filed.

With respect to the request under 37 CFR § 1.42, the rule requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship

of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 07 September 2010 identifies Andrea Hager-Wernet as the legal representative of the deceased inventor Wolfgang Wernet and states the country of citizenship, residency and mailing address for the legal representative. The declaration as submitted meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07 September 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

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DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
NASLUND, et al.	:	
U.S. Application No.: 12/521,717	:	DECISION ON PETITION
PCT No.: PCT/EP2007/050097	:	
Int. Filing Date: 04 January 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: None	:	
Attorney Docket No.: P23043-US1	:	
For: METHOD AND APPARATUS FOR DETERMINING AN AUTHENTICATION PROCEDURE	:	

This decision is in response to applicant's "Petition Under 37 C.F.R. § 1.47(a)" filed 11 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 January 2007, applicant filed international application PCT/EP2007/050097. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 07 July 2009.

On 29 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 14 September 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 November 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own

behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items.

Regarding item (1), applicant has provided payment of $200.00 petition fee.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

Applicant has included exhibits which show that the non-signing inventor was provided a complete set of application papers and responded with a refusal to execute the declaration.

Regarding item (3), applicant has provided the last known address of the non-signing inventor.

As to item (4), applicant has filed a compliant declaration of the inventors executed by the remaining inventor on his own behalf and on behalf of the non-signing inventor.

Accordingly, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 04 January 2007 under 35 U.S.C. 363, and will be given a date of **11 November 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES 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. John Michael Walker
Gerstkamp 87
2592 Den Haag
THE NETHERLANDS

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DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of
NASLUND, et al.
U.S. Application No.: 12/521,717
PCT No.: PCT/EP2007/050097
Int. Filing Date: 04 January 2007
Priority Date: None
Attorney Docket No.: P23043-US1
For: METHOD AND APPARATUS FOR DETERMINING AN AUTHENTICATION PROCEDURE

Dear Mr. Walker:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024
United States of America

UNITED STATES 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
JAN 06 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
JAYANT et al	:	
Application No.: 12/521,731	:	
Filing Date: 29 June 2009	:	PETITION UNDER
Attorney's Docket No.: ANAN-001/01US312003-2001	:	
For: A DEVICE FOR... TYING LIGATURES	:	37 CFR 1.182

This is response to applicants' "PETITION UNDER 37 CFR 1.182" filed on 12 November 2010, to change the application type from 35 USC 371 to 35 USC 111(a) electronically filed 29 June 2009.

BACKGROUND

On 29 June 2009, applicants electronically filed via EFS-WEB the aforementioned application as a U.S. National Stage under 35 USC 371 (Electronic Acknowledgement Receipt). However, the first sentence in the specification indicated that the aforementioned application is a "continuation-in-part of PCT/IN2007/000614." The application was processed as filing under 35 U.S.C. §371.

On 12 November 2010, applicants filed the instant petition to convert the above application filed under 35 USC §371 to a continuation-in-part application filed under 35 USC §111(a).

DISCUSSION

It is USPTO's practice that any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states in relevant part:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
> . . .
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111. (Emphasis added.)

A review of the file reveals that 35 U.S.C. 371 processing by the USPTO was improper for this application because it was submitted with conflicting instructions as to the application being filed either under 35 USC 371 or 35 USC 111(a). The specification filed with the aforementioned application papers identified the application as a continuation-in-part under 35 USC §111(a), but it was filed via EFS-WEB as a filing under 35 USC 371. As a result of the conflicting instructions, the petition should has been treated as a filing under 35 U.S.C. 111(a).

Accordingly, it would be appropriate to consider the conversion of the application to an application under 35 U.S.C. 111(a) at this time.

The filing receipt mailed on 07 September 2010 is **VACATED** with the mailing of this decision.

Any period of adjustment to the term of a patent under 35 U.S.C. 154(b) (May 29, 2000) may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 111 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

CONCLUSION

The petition under 37 CFR 1.182 is **MOOT**.

The 35 U.S.C. 111(a) filing date is **29 June 2009.** This application is being forward to Initial Processing Division (IPD) for continued processing.

Rafael Bacares
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 20 2011

PCT LEGAL ADMINISTRATION

Nokia, Inc.
6021 Connection Drive, MS 2-5-520
Irving TX 75039

In re Application of	:	
LODOLO	:	DECISION ON PETITION
Application No.: 12/521,737	:	
PCT No.: PCT/GB2007/005009	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 28 December 2007	:	
Priority Date: 29 December 2006	:	
Atty. Docket No.: NC67527-US-PCT	:	
For: METHOD, SYSTEM, AND COMPUTER	:	
PROGRAM PRODUCT FOR FACILITATING	:	
POST-SALE TRANSACTIONS USING	:	
MOBILE DEVICES	:	

The petition to revive under 37 CFR 1.137(b) filed 18 July 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3). A review of the application file finds that present counsel was the attorney of record for the entire period of abandonment, as such it is proper to accept the presently filed statement of unintentional delay.

A review of the application file reveals that applicant has now provided a compliant declaration executed by the inventor. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 28 December 2007 under 35 U.S.C. 363 and will be given a date of **18 July 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

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OCT 07 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
ZHONG, et al.	:	
Application No.: 12/521,767	:	DECISION ON PETITION
PCT No.: PCT/CN2007/003160	:	
Int. Filing Date: 07 November 2007	:	UNDER 37 CFR1.181
Priority Date: 30 December 2006	:	
Attorney Docket No.: 480218.402USPC	:	
For: POLY(GLUTAMIC ACID)-DRUG CONJUGATE	:	
WITH AN AMINO ACID AS A LINKER	:	

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 12 September 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 07 November 2007, applicant filed international application PCT/CN2007/003160 which claimed priority to a previous application filed 30 December 2006. Pursuant to 37 CFR 1.495, the deadline for submitting payment of the U.S. Basic National fee was to expire at midnight on 30 June 2009.

On 29 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 09 September 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors and an English translation of the international application as filed were required, as well as, payment of the surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 15 August 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing application that the present application was abandoned as to the National stage in the United States for failure to respond to the Form PCT/DO/EO/905 mailed on 09 September 2010.

On 12 September 2011, applicant filed the present petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

As detailed in Official Gazette notice 1156 OG 53 and the Manual of Patent Examining Procedure 711.03(c), a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

> A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

As applicant has satisfied the requirement to provide a statement that the Form PCT/DO/EO/905 was not received and has supplied a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. However, applicant has not indicated that a search of the file jacket was performed which resulted in the conclusion that the Form PCT/DO/EO/905 was never received. As such, it is not possible to grant applicant's petition at this time and the application remains abandoned.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **DISMISSED without prejudice**.

This application remains abandoned as to the United States of America.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

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OCT 31 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
ZHONG, et al.	:	
Application No.: 12/521,767	:	DECISION ON PETITION
PCT No.: PCT/CN2007/003160	:	
Int. Filing Date: 07 November 2007	:	UNDER 37 CFR1.181
Priority Date: 30 December 2006	:	
Attorney Docket No.: 480218.402USPC	:	
For: POLY(GLUTAMIC ACID)-DRUG CONJUGATE	:	
WITH AN AMINO ACID AS A LINKER	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 12 October 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 07 October 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment. Applicant was afforded two months to file any request for reconsideration.

On 12 October 2011, applicant filed the renewed petition under 37 CFR 1.181 considered herein.

DISCUSSION

As detailed in the decision mailed 07 October 2011, a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

> A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

With the filing of the present renewed petition applicant has indicated that a search of the file jacket was performed which resulted in the conclusion that the Form PCT/DO/EO/905 was

never received. As such, applicant has satisfied all of the above items and it is therefore proper to grant applicant's renewed petition to withdraw the holding of abandonment in the application.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the Office of PCT Operations, National Stage Processing for consideration of applicant's 12 September 2011 filing as to the remaining 35 U.S.C. 371 requirements.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

22917
MOTOROLA, INC.
1303 East Algonquin Road
IL01/3RD
Schaumburg, IL 60196

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DEC 17 2010

PCT LEGAL ADMINISTRATION

In re Application of
NOVAK, Jaroslav
U.S. Application No.: 12/521,795
PCT No.: PCT/US2007/083111
Int. Filing Date: 31 October 2007
Priority Date: 04 January 2007
Attorney's Docket No.: CM10384EBE
For: EQUIPMENT AND METHOD FOR CONTROLLING A WIRELESS COMMUNICATION TERMINAL

DECISION

This decision is in response to the renewed petition under 37 CFR 1.47(b) submitted on 02 November 2010.

BACKGROUND

On 10 May 2010, a decision dismissing applicants' petition under 37 CFR 1.47(b) was mailed. Applicants were given two months to respond.

On 02 November 2010, applicants filed the subject response which was accompanied by a declaration executed by the sole inventor along with a four-month extension and $1,730.00 extension fee.

DISCUSSION

In the renewed petition, applicant states that they have located the nonsigning sole inventor, Jaroslav NOVAK and have provided an executed declaration.

A review of the declaration provided shows that the name of the inventor is listed as Yaroslav NOVAK. The name of the inventor in the international application is Jaroslav NOVAK. There is no record of a name change pursuant to PCT Rule 92bis in the international application.

As stated in MPEP § 1893.01(e), in relevant part:

Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international

phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In this case, applicant provided no explanation as to the difference in the first name of the inventor between the international application and the declaration filed in the above-captioned national stage application. As such, the declaration is not accepted.

CONCLUSION

For the reason noted above, applicant's renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

22917
MOTOROLA, INC.
IP Law Docketing
1303 East Algonquin Road
IL01/3RD
Schaumburg, IL 60196

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MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of
NOVAK, Jaroslav
U.S. Application No.: 12/521,795
PCT No.: PCT/US2007/083111
Int. Filing Date: 31 October 2007
Priority Date: 04 January 2007
Attorney's Docket No.: CM10384EBE
For: EQUIPMENT AND METHOD FOR CONTROLLING A WIRELESS COMMUNICATION TERMINAL

DECISION

This decision is in response to the response filed 25 January 2011 which is treated as a renewed petition under 37 CFR 1.47(b).

BACKGROUND

On 17 December 2010, a decision dismissing applicants' renewed petition under 37 CFR 1.47(b) was mailed. Applicants were given two months to respond.

On 25 January 2011, applicants filed the subject response.

DISCUSSION

Applicant provided an executed declaration on 02 November 2010. However, the declaration was not accepted for the following reason. The name of the inventor listed on the declaration is Yaroslav NOVAK. The name of the inventor in the international application is recorded as Jaroslav NOVAK.

There is no record of a name change pursuant to PCT Rule 92bis in the international application, and applicant provided no explanation as to the difference in spelling of the first name of the inventor listed on the declaration filed in the above-captioned national stage application.

In the subject response, applicant provided the following explanation.

Applicant states that "the inventor's Russian name is translated into English equally as Yaroslav or Jaroslav." Applicant asserts that the discrepancy between the

name of the inventor recorded in the international application and the name recorded in the above-captioned national stage application was due to a "typographical or transliteration error."

Section 1893.01(e) of the MPEP states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. The Office should simply be notified of the error.

Applicant's explanation is accepted.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The declaration filed 02 November 2010 is accepted and is in compliance with 37 CFR 1.497(a) & (b).

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 31 October 2007, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 02 November 2010.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302