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

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of :
Goran Axelsson et al :
Application No. 12/521,807 : DECISION ON PETITION
Filed: June 30, 2009 :
Attorney Docket No. 343694USOPCT :

This is a decision on the petition under 37 CFR 1.182, filed March 21, 2011 and supplemented on June 15, 2011, to change the name of inventor "Par Olsson" to -- Par Fredholm --.

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 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 1621 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
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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
12/521,807	06/30/2009	1621	980	343694US0PCT	9	1

CONFIRMATION NO. 1537

CORRECTED FILING RECEIPT

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000048408100

Date Mailed: 06/24/2011

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

Applicant(s)

Goran Axelsson, Hoor, SWEDEN;
Christoffer Paulsson, Eslov, SWEDEN;
Par Fredholm, Helsingborg, SWEDEN;

Assignment For Published Patent Application

PERSTORP SPECIALTY CHEMICALS AB, Perstorp, SWEDEN

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/SE2007/001060 11/30/2007

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.)
SWEDEN 0700161-3 01/24/2007

If Required, Foreign Filing License Granted: 12/18/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/521,807**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PROCESS FOR PRODUCING POTASSIUM FORMATE

Preliminary Class

562

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).

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:	12521915	Filing date:	2009-07-01
First Named Inventor:	Markus Jandke et al.		
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/EP2008/050109

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.

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.:	12521915
First Named Inventor:	Markus Jandke et al.

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on July 28, 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 28, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
9	1	Rewritten in U.S. format
10	2	Rewritten in U.S. format and to eliminate "preferred"ranges
11	2	Reinstate preferred range eliminated from claim 10
12	3	Rewritten in U.S. format and to eliminate multiple dependencies
13	4	Rewritten in U.S. format and to eliminate multiple dependencies
14	5	Rewritten in U.S. format and to eliminate multiple dependencies
15	6	Rewritten in U.S. format and to eliminate multiple dependencies
16	7	Rewritten in U.S. format and to eliminate multiple dependencies
17	1, 8	Claim 8 of the PCT amended to a process claim identifying the product of claim 8 of the PCT
18	1, 8	Dependent claim further limiting claim 17

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/521,915	07/01/2009	Markus Jandke	WAS1024PUSA	3874

22045 7590 05/20/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
VALENROD, YEVGENY

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.

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
22ND FLOOR
SOUTHFIELD, MI 48075

In re Application of	:	DECISION ON REQUEST TO
JANDKE ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/521,915	:	PROSECUTION HIGHWAY
Filed: July 1, 2009	:	PROGRAM AND PETITION
Attorney Docket No. WAS1024PUSA	:	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

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

AMS RESEARCH CORPORATION
10700 BREN ROAD WEST
MINNETONKA MN 55343

In re Application of
GOZZI, et al.
U.S. Application No.: 12/521,917
PCT No.: PCT/US2008/000033
Int. Filing Date: 03 January 2008
Priority Date: 03 January 2007
Attorney Docket No.: AMS-3491-US (AMS0122US)
For: METHODS FOR INSTALLING SLING TO TREAT FECAL INCONTINENCE, AND RELATED DEVICES

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. §1.47(a)" filed 05 March 2010 in the United States Patent and Trademark Office (USPTO) and supplemented on 12 April 2010.

BACKGROUND

On 03 January 2008, applicant filed international application PCT/US2008/000033 which claimed priority to an earlier application filed 03 January 2007. 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 03 July 2009.

On 01 July 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 05 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 05 March 2010, applicant filed the present petition under 37 CFR 1.47(a).

On 12 April 2010, applicant filed a supplement to the petition discussed herein.

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.

As detailed in applicant's supplemental response of 12 April 2010, applicant has located the previously non-signing inventor and currently provided a declaration signed by Mr. Gozzi. As applicant has now provided signed declarations by all of the inventors listed on the published international application, the petition under 37 CFR 1.47(a) will be dismissed as moot.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

The application has an international filing date of 03 January 2008 under 35 U.S.C. 363, and will be given a date of 12 **April 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision. 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

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.
12/521,966	09/03/2009	Yoshiaki Ofuji	17401/157001	4432

22511 7590 12/01/2010
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
12/01/2010	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):

docketing@oshaliang.com
buta@oshaliang.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of: OFUJI, YOSHIAKI et al.
Application No. 12/521,966
Filed: September 03, 2009
For: USER EQUIPMENT, BASE STATION APPARATUS, AND METHOD

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

MAILED

DEC 01 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

The petition is **GRANTED.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

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

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

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

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in The JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

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

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/522,021	10/23/2009	Yoon-ho Kim	LGCHEM 3.3-110	5182

86765 7590 01/21/2011
LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER
CHEUNG, WILLIAM K

ART UNIT	PAPER NUMBER
1762	

NOTIFICATION DATE	DELIVERY MODE
01/21/2011	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

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

January 20, 2011

In re application of Yoon-Ho Kim et al. Serial No. 12/522,021 Filed: July 02, 2009 For: GRAFT COPOLYMER FOR TRANS-PARENT THERMOPLASTIC POLYURETHANE RESIN, PREPARATION METHOD THEREOF, AND POLYURETHANE RESIN COMPOSITION CONTAINING THE SAME	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 and the petition under 37 CFR 1.102(a) to make the above-identified application special filed December 08, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit a copy of:

a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate; and

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

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

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

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 29 2010

PCT LEGAL ADMINISTRATION

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston MA 02205

In re Application of:	:	
POPEL, Aleksander S.	:	
Application No.: 12/522,042	:	DECISION ON REQUEST
PCT No.: PCT/US2008/000036	:	
Int. Filing Date: 03 January 2008	:	
Priority Date: 03 January 2007	:	
Attorney Docket No.: 67171(71699)	:	
For: PEPTIDE INHIBITORS OR MODIFIERS OF ANGIOGENESIS AND THEIR APPLICATIONS		

This decision is issued in response to applicant's "Response to Notice to File Missing Parts of Application" and applicant's "Statement Under 37 CFR 1.48(a)(2)" filed 22 September 2010. Applicant's request is being treated as a petition under 37 CFR 1.497(d), as explained below. The $130 petition fee has been charged to applicant's deposit account no. 04-1105.

BACKGROUND

On 03 January 2008, applicant filed international application PCT/US2008/000036 which claimed a priority date of 03 January 2007. The international application named Aleksander S. Pope as the sole applicant/inventor. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 July 2009.

On 02 July 2009, the United States Patent and Trademark Office (USPTO) received a submission from applicant seeking to enter 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 22 June 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. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821 - 1.825. The notification set a two-month time limit in which to respond.

On 22 September 2010, applicant filed the present request under 37 CFR 1.497(d) and a Sequence Listing as required by 37 CFR 1.821 - 1.825.

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request will be treated under 37 CFR 1.497(d).

The published international application identified Aleksander S. Pope as the sole applicant/inventor for the United States. The present submission seeks to correct the inventorship so as to add inventor Emmanouil Karagiannis to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has satisfied items (1), (2) and (4). However, in order to satisfy item (3), applicant is required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

CONCLUSION

For the reasons discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 23 2010

PCT LEGAL ADMINISTRATION

HOGAN LOVELLS US LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

In re Application of	:	
CARTLEDGE et al.	:	
Application No.: 12/522,089	:	DECISION
PCT No.: PCT/US2008/000014	:	
Int. Filing Date: 03 January 2008	:	
Priority Date: 03 January 2007	:	
Attorney Docket No.: 28099-0013	:	
For: IMPLANTABLE DEVICES . . . LUMEN	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 04 October 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 03 January 2008, applicants filed international application PCT/US2008/000014, which designated the United States and claimed a priority date of 03 January 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 17 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 July 2009 (03 July 2009 being a Federal holiday and 04 July 2009 being a Saturday).

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 09 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 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 09 April 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, a declaration of facts by Robert J. Weinschenk with documents in support thereof.

On 20 April 2010, a decision was issued 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 20 October 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a supplemental declaration of facts by Robert J. Weinschenk, and a declaration of facts by Thomas A. Rendos.

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 issued 20 April 2010, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied. It has been established that both Leonard Y. Lee and Richard G. Cartledge have been presented with the application papers and have refused to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

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 **09 April 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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NOV 23 2010

PCT LEGAL ADMINISTRATION

Mr. Richard G. Cartledge
604 Boca Marina Court
Boca Raton, FL 33487

In re Application of
CARTLEDGE et al.
Application No.: 12/522,089
PCT No.: PCT/US2008/000014
Int. Filing Date: 03 January 2008
Priority Date: 03 January 2007
Attorney Docket No.: 28099-0013
For: IMPLANTABLE DEVICES FOR CONTROLLING THE SIZE AND SHAPE OF AN ANATOMICAL STRUCTURE OR LUMEN

Dear Mr. Cartledge:

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

HOGAN LOVELLS US LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

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NOV 23 2010

PCT LEGAL ADMINISTRATION

Mr. Leonard Y. Lee
1930 Broadway, Apt. 4-0
New York, NY 10023

In re Application of
CARTLEDGE et al.
Application No.: 12/522,089
PCT No.: PCT/US2008/000014
Int. Filing Date: 03 January 2008
Priority Date: 03 January 2007
Attorney Docket No.: 28099-0013
For: IMPLANTABLE DEVICES FOR CONTROLLING THE SIZE AND SHAPE OF AN ANATOMICAL STRUCTURE OR LUMEN

Dear Mr. Lee:

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
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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

MAILED
29 OCT 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	
DYNES et al.	:	
Application No.: 12/522,143	:	DECISION under
PCT No.: PCT/GB08/000021	:	
Int. Filing Date: 04 January 2008	:	37 CFR 1.182
Priority Date: 05 January 2007	:	
Attorney Docket No.: D-3312	:	
For: LOCK ASSEMBLY	:	

This is a decision applicant's "PETITION PURSUANT TO 37 CFR 1.182" to correct the inventor's name filed on 23 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 January 2008, applicant filed international application PCT/GB08/00021 which claimed a priority date of 05 January 2007. The thirty month period expired on 05 July 2009.

On 02 July 2009, applicant filed a transmittal letter requesting filing under 35 U.S.C. 371 in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 27 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), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 28 June 2010, applicant filed a response to the Notification along with an executed declaration and a request for a three month extension of time. On 23 July 2010, a Notification of Defective Response was mailed indicating that the first named inventor's name on the declaration submitted on 28 June 2010 was different from that identified on the published international application.

On 23 August 2010, applicant filed the instant petition under 37 CFR 1.182 to correct the first inventor's name. The petition fee was paid.

DISCUSSION

A review of the application file reveals that the given name of the inventor as listed on the published international application is "Nicolas James Dynes". The declaration, filed on 28

June 2010, was signed by " Nicolas John Dynes". Applicant explains that the inventor's name was incorrectly identified in the international application. The explanation is acceptable and noted for the record. The USPTO records will be corrected to reflect the first inventor's name as Nicholas John Dynes. The declaration, submitted on 28 June 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 correct the respective inventor's name to Nicolas John Dynes is **GRANTED**. The declaration, submitted on 28 June 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 28 June 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

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:	12/522,166	Filing date:	August 28, 2009
First Named Inventor:	Bengt Lindoff		
Title of the Invention:	Secondary Synchronization Sequences for Cell Group Detection in a Cellular Communications System		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/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/EP2007/063493

The international date of the corresponding PCT application(s) is/are: December 7, 2007

I. List of Required Documents:

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

☐ Is attached

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

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

☑ Is attached.

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

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

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.:	12/522,166
First Named Inventor:	Bengt Lindoff

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 3, 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 3, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
58	1	
59	4	
60	5	
61-62	11-12	
63-65	15-17	
66-73	22-29	
74-76	32-34	
77-78	40-41	
79-81	44-46	
82-88	51-57	

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

Signature /Todd A. Cason, Reg No 54,020/	Date December 2, 2010
Name (Print/Typed) Todd A. Cason	Registration Number 54,020

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.
12/522,166	08/28/2009	Bengt Lindoff	0110-165	6878

42015 7590 01/10/2011
POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG, VA 22404

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
01/10/2011	ELECTRONIC

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

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

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

info@ppglaw.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

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Application of: LINDOFF et al.
Application No. 12/522,166
Filed: August 28, 2009
For: SECONDARY SYNCHRONIZATION SEQUENCES FOR CELL GROUP DETECTION IN A CELLULAR COMMUNICATIONS SYSTEM

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

MAILED

JAN 07 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 2, 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 one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

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

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

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

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

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

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

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

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

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400

UNITED STATES 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 07 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	DECISION ON
Freedman et al	:	
Application No.: 12/522,171	:	
PCT No.: PCT/IL08/00458	:	
Int. Filing Date: 02 April 2008	:	PETITION UNDER
Priority Date: 02 April 2007	:	
Attorney Docket No.: 1020-1006.3	:	
For: DEPTH MAPPING USING PROJECTED	:	
PATTERNS	:	37 CFR 1.181

This decision is in response to the "REQUEST FOR CORRECTED FILING RECEIPT" last filed on 15 April 2010, which is being treating as a petition under 37 CFR 1.181, requesting that the correct date of filing date be changed from 10 December 2009 to 05 July 2009.

BACKGROUND

On 05 July 2009, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application as required by 35 U.S.C. 371(c)(2) and an executed declaration was submitted at such time.

On 30 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed 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... with either 37 CFR 1.66 or 37 CFR 1.68" The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 10 December 2009, applicants filed a second copy of the executed declaration.

On 26 January 2010, the USPTO mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495 (Form PCT/DO/EO/903)," indicating that date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 10 December 2009, and a date of completion of all 35 USC 371 requirements is 10 December 2009.

On 12 February 2010, 06 April 2010 and 15 April 2010, applicants filed the current petition pursuant 37 CFR 1.181 requesting a corrected filing receipt, stating that the correct filing date is 05 July 2009, and not what is shown in the filing receipt as 10 December 2010.

DISCUSSION

A review of the file indicates that a correct executed declaration was received on **05 July 2009** at the time of filing the application, which is the also the date that applicants satisfied the requirement under 35 U.S.C. 371(c)(4). Accordingly, this is the date that 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements were satisfied.

Applicants will be refunded the surcharge fee of $65.00 to their credit card.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 26 January 2010 is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **05 July 2009.**

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

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 14372/13	Application Number (if known): 12/522,230	Filing date: 06 July 2009

First Named Inventor: Susumu OIKAWA

Title: COAXIAL TWO-WHEEL VEHICLE AND METHOD OF CONTROLLING THE SAME

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 /Daniel G. Shanley/	Date 15 July 2011
Name (Print/Typed) Daniel G. Shanley	Registration Number 54,863

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

☒ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/522,230	07/06/2009	Susumu Oikawa	14372/13	7620

23838 7590 07/28/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 2 7 2011

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

In re Application of	:	
SUSUMU OIKAWA	:	DECISION ON PETITION
Application No. 12/522,230	:	TO MAKE SPECIAL UNDER
Filed: July 6, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 14372/13	:	PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed July 15, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining

how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4.

In regard to item 4, petitioner alleges in the statements of special status that "*Because the invention is directed to an electric two-wheeled vehicle which does not create any carbon emissions and thereby reduces carbon emissions to the environment.*" However, the claims broadly recite a two-wheeled vehicle which can create carbon and other greenhouse gases emissions. It is noted that the battery's electrical energy is typically come from a power grid which uses coal/fossil fuel to generate electricity so the battery of the claimed two-wheeled vehicle is considered to have the same carbon/greenhouse gas emissions as coal. Furthermore, it is noted that charging a battery is using up energy, and that charging (and operation) of batteries typically results in the emission of greenhouse gases (such as sulfur). Many types of batteries such as nickel-metal hydride batteries have poor efficiency, and lithium-ion batteries have short cycle lives and degrade significantly with age. All batteries have an environmental impact through their construction, use, disposal or recycling. Therefore, whether the claimed two-wheeled vehicle operates on petroleum, or electrical energy derived from coal in the electrical grid, there is not much difference in its carbon/greenhouse gases emissions.
As the disclosure of the instant application does not show any evidence of reduced carbon emissions, petitioners' assertion of carbon emissions reduction is merely speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3618 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT	:	Susumu OIKAWA	
SERIAL NO.	:	**12/522,230**	
FILED	:	06 July 2009	
FOR	:	COAXIAL TWO-WHEEL VEHICLE AND METHOD OF CONTROLLING THE SAME	
GROUP ART UNIT	:	3618	Conf. No. **7620**
EXAMINER	:	(Unassigned)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PROGRAM BETWEEN JPO AND US PTO

COMMISSIONER FOR PATENTS
PETITIONS BRANCH
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: Magdalen Greenlief

Sir:

Applicant hereby requests participation in the PCT-Patent Prosecution Highway (PCT-PPH) Program and ***petitions to make this application special under the PCT-PPH Program***. To comply with the requirements, the following papers are transmitted:

1) Request For Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) Program Between the JPO and the USPTO with claims correspondence table (Form PTO/SB/20PCT-JP);

2) Japanese language version of international work product (IPRP) in PCT/JP2008/066713, i.e., PCT/ISA/237;

3) English Translation of Written Opinion (PCT/ISA/237;

4) Claims meeting the criteria of novelty, inventive step and industrial Applicability;

5) Verified translation of above claims;

6) Preliminary Amendment for PCT-PPH Program Participation.

REMARKS

In view of the foregoing documents transmitted herewith to comply with the Requirements For Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PPH) Program between the JPO and the USPTO, Applicant respectfully requests participation in the program as well as accelerated examination of this application.

The claims as amended in the preliminary amendment filed with the application on 06 July 2009 and further amended in the enclosed Preliminary Amendment for PCT-PPH Program Participation, correspond to the PCT claims as shown in the claims correspondence table attached to the PCT-PPH Request form.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this request.

The Office is authorized to charge any fees related to this filing to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: 07 September 2011

/Daniel G. Shanley/
Daniel G. Shanley
(Reg. No. 54,863)

KENYON & KENYON LLP
1500 K Street, N.W., #700
Washington, D.C. 20005

Telephone: (202) 220-4200
Facsimile: (202) 220-4201

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:	12/522,230	Filing date:	06 July 2009
First Named Inventor:	Susumu OIKAWA		
Title of the Invention:	COAXIAL TWO-WHEEL VEHICLE AND METHOD OF CONTROLLING 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: PCT/JP2008/066713

The international date of the corresponding PCT application(s) is/are: 17 September 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).**

- [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.:	12/522,230
First Named Inventor:	Susumu OIKAWA

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 06 July 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 06 July 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
(see attached)		

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

Signature /Daniel G. Shanley/	Date 07 September 2011
Name (Print/Typed) Daniel G. Shanley	Registration Number 54,863

Claims Correspondence Table

Claims in US Application	Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Both claims are identical.
2	2	Both claims are identical.
3	3	Both claims sufficiently correspond to each other, except that US claim 3 is not a multiple dependent claim.
4	4	Both claims sufficiently correspond to each other, except that US claim 4 is not a multiple dependent claim.
5	5	Both claims sufficiently correspond to each other, except that US claim 5 is not a multiple dependent claim.
6	6	Both claims sufficiently correspond to each other, except that US claim 6 is not a multiple dependent claim.
7	7	Both claims are identical.
8	8	Both claims are identical.
9	9	Both claims sufficiently correspond to each other, except that US claim 9 is not a multiple dependent claim.
10	10	Both claims are identical.
11	11	Both claims sufficiently correspond to each other, except that US claim 11 is not a multiple dependent claim and replaces "means" specified in PCT claim 11 with "a sensor".
12	12	Both claims are identical.
13	13	Both claims are identical
14	14	Both claims sufficiently correspond to each other, except that US claim 14 is not a multiple dependent claim.
15	15	Both claims sufficiently correspond to each other, except that US claim 15 is not a multiple dependent claim.
16	16	Both claims are identical.
17	17	Both claims are identical.
18	18	Both claims sufficiently correspond to each other, except that US claim 18 is not a multiple dependent claim.
19	19	Both claims are identical.
20	20	Both claims sufficiently correspond to each other, except that US claim 20 is not a multiple dependent claim.

STATEMENT OF VERIFICATION

I, Masahiro KOBUKE, c/o HIBIKI IP Law Firm, Asahi Bldg. 10th Floor, 3-33-8, Tsuruya-cho, Kanagawa-ku, Yokohama-shi, Kanagawa 221-0835 Japan, hereby declare that I am the translator of claims of the corresponding PCT application No. PCT/JP2008/066713 and certify that the attached English translation of the claims is accurate to the best of my knowledge and belief.

Dated this 24th day of August, 2011

Masahiro Kobuke

Masahiro KOBUKE

CLAIMS

1. A coaxial two-wheel vehicle including step portions on which feet of a passenger are placed and an operating portion capable of operating at least back-and-forth movements, to move with the passenger riding thereon, the coaxial two-wheel vehicle comprising:

a control device that, when the passenger gets off the vehicle, executes a getting-off assist control to increase an inclination angle of each of the step portions with respect to a direction in which the passenger gets off the vehicle.

2. The coaxial two-wheel vehicle according to claim 1, wherein, when the step portions are inclined in a front-and-rear direction by the operating portion, the control device controls the coaxial two-wheel vehicle to move in a direction in which the step portions are inclined.

3. The coaxial two-wheel vehicle according to claim 1 or 2, wherein, when a moving direction of the coaxial two-wheel vehicle coincides with a direction in which the passenger gets off the vehicle, the step portions are inclined to a side of the moving direction after being inclined in a direction opposite to the moving direction.

4. The coaxial two-wheel vehicle according to any one of claims 1 to 3, further comprising a getting-off switch that generates a getting-off control start trigger signal,

wherein the control device detects that the passenger gets off the vehicle, in response to the getting-off control start trigger signal supplied from the getting-off switch, and executes the getting-off assist control.

5. The coaxial two-wheel vehicle according to any one of claims 1 to 4, further comprising a step sensor that detects whether the feet of the passenger are placed on the step portions,

wherein the control device detects a getting-off operation of the passenger based on a detection result of the step sensor, and executes the getting-off assist control.

6. The coaxial two-wheel vehicle according to any one of claims 1 to 5, wherein the control device changes a target posture angle to increase the inclination angle of each of the step portions.

7. The coaxial two-wheel vehicle according to claim 6, wherein the control device changes the target posture angle smoothly by using a digital low-pass filter to increase the inclination angle of each of the step portions.

8. The coaxial two-wheel vehicle according to claim 6, wherein the control device changes the target posture angle along a curve obtained by combining a plurality of quadratic or higher order curves to increase the inclination angle of each of the step portions.

9. The coaxial two-wheel vehicle according to any one of claims 1 to 8, wherein, when the control device detects that a speed of the coaxial two-wheel vehicle is zero, the control device stops a posture control and controls a drive motor for wheels to maintain the coaxial two-wheel vehicle in a stopped state.

10. The coaxial two-wheel vehicle according to claim 9, wherein the control device controls the drive motor to change a driving speed along a quadratic or higher order curve so that the coaxial two-wheel vehicle is brought into a completely stopped state.

11. The coaxial two-wheel vehicle according to any one of claims 1 to 10, further comprising means that detects that both feet of the passenger are removed from the step portions,

wherein, when the control device detects that both feet of the

passenger are removed from the step portions, the control device stops controlling a drive motor for wheels.

12. A method of controlling a coaxial two-wheel vehicle including step portions on which feet of a passenger are placed and an operating portion capable of operating at least back-and-forth movements, to move with the passenger riding thereon, the method comprising the steps of:

detecting that the passenger gets off the vehicle; and

executing a getting-off assist control to increase an inclination angle of each of the step portions with respect to a direction in which the passenger gets off the vehicle, when it is detected that the passenger gets off the vehicle.

13. The method of controlling a coaxial two-wheel vehicle according to claim 12, further comprising, when the step portions are inclined in a front-back direction by the operation portion, controlling the coaxial two-wheel vehicle to move in a direction in which the step portions are inclined.

14. The method of controlling a coaxial two-wheel vehicle according to claim 12 or 13, wherein, when a moving direction of the coaxial two-wheel vehicle coincides with a direction in which the passenger gets off the vehicle, the step portions are inclined to a side of the moving direction after being inclined in a direction opposite to the moving direction.

15. The method of controlling a coaxial two-wheel vehicle according to any one of claims 12 to 14, wherein the inclination angle of each of the step portions is increased by changing a target posture angle.

16. The method of controlling a coaxial two-wheel vehicle

according to claim 15, wherein the target posture angle is changed smoothly by using a digital low-pass filter to increase the inclination angle of each of the step portions.

17. The method of controlling a coaxial two-wheel vehicle according to claim 15, wherein the inclination angle of each of the step portions is increased by changing the target posture angle along a curve obtained by combining a plurality of quadratic or higher order curves.

18. The method of controlling a coaxial two-wheel vehicle according to any one of claims 12 to 17, further comprising, when it is detected that a speed of the coaxial two-wheel vehicle is zero, stopping a posture control, and controlling a drive motor for wheels to maintain the coaxial two-wheel vehicle in a stopped state.

19. The method of controlling a coaxial two-wheel vehicle according to claim 18, wherein the drive motor is controlled to change a driving speed along a quadratic or higher order curve so that the coaxial two-wheel vehicle is brought into a completely stopped state.

20. The method of controlling a coaxial two-wheel vehicle according to any one of claims 12 to 19, further comprising, when it is detected that both feet of the passenger are removed from the step portions, stopping control of a drive motor for wheels.

請求の範囲

[1] 足を乗せるステップ部と、少なくとも前後への移動を操作可能な操作部を有し、搭乗者を乗せて移動する同軸二輪車であって、

搭乗者が降車を行う場合に、搭乗者の降車方向に対する、前記ステップ部の傾斜角度を増加させる降車補助制御を実行する制御装置を備えた同軸二輪車。

[2] 前記制御装置は、前記操作部によって前記ステップ部を前後に傾斜させた場合に、傾斜方向に当該同軸二輪車が移動するように制御することを特徴とする請求項1記載の同軸二輪車。

[3] 前記同軸二輪車の移動方向と、搭乗者の降車方向が一致する場合には、前記ステップ部を、前記移動方向と反対側の方向に傾斜させた後に、前記移動方向側に傾斜させることを特徴とする請求項1又は2記載の同軸二輪車。

[4] さらに、降車制御開始トリガ信号を生成する降車スイッチを有し、

前記制御装置は、前記降車スイッチから供給された前記降車制御開始トリガ信号に応じて、搭乗者の降車を検知し、前記降車補助制御を実行することを特徴とする請求項1～3いずれかに記載の同軸二輪車。

[5] さらに、前記ステップ部に搭乗者の足が乗っているかどうかを検出するステップセンサを備え、

前記制御装置は、前記ステップセンサの検出結果に基づいて搭乗者の降車動作を検知して、前記降車補助制御を実行することを特徴とする請求項1～4いずれかに記載の同軸二輪車。

[6] 前記制御装置は、目標姿勢角度を変更することによって、前記ステップ部の傾斜角度を増加させることを特徴とする請求項1～5いずれかに記載の同軸二輪車。

[7] 前記制御装置は、前記目標姿勢角度をデジタルローパスフィルタによって滑らかに変化させて前記ステップ部の傾斜角度を増加させることを特徴とする請求項6記載の同軸二輪車。

[8] 前記制御装置は、前記目標姿勢角度を複数の2次以上の曲線を連結した曲線に沿って変化させることによって、前記ステップ部の傾斜角度を増加させることを特徴とする請求項6記載の同軸二輪車。

[9]　前記制御装置は、前記同軸二輪車の速度がゼロであることを検出した場合には、姿勢制御を停止し、当該同軸二輪車が停止した状態を維持するように、車輪の駆動モータを制御することを特徴とする請求項1～8いずれかに記載の同軸二輪車。

[10]　前記制御装置は、前記同軸二輪車が完全に停止した状態になるように、2次以上の曲線に沿って駆動速度が変化するように前記駆動モータを制御することを特徴とする請求項9記載の同軸二輪車。

[11]　搭乗者の足が両足とも前記ステップ部を離れたことを検出する手段を備え、

前記制御装置は、搭乗者の足が両足とも前記ステップ部を離れたことを検出した場合には、車輪の駆動モータの制御を停止することを特徴とする請求項1～10いずれかに記載の同軸二輪車。

[12]　足を乗せるステップ部と、少なくとも前後への移動を操作可能な操作部を有し、搭乗者を乗せて移動する同軸二輪車の制御方法であって、

搭乗者の降車を検知するステップと、

前記搭乗者の降車を検知した場合に、搭乗者の降車方向に対する、前記ステップ部の傾斜角度を増加させる降車補助制御を実行するステップを備えた、同軸二輪車の制御方法。

[13]　前記操作部によって前記ステップ部を前後に傾斜させた場合に、傾斜方向に当該同軸二輪車が移動するように制御することを特徴とする請求項12記載の同軸二輪車の制御方法。

[14]　前記同軸二輪車の移動方向と、搭乗者の降車方向が一致する場合には、前記ステップ部を、前記移動方向と反対側の方向に傾斜させた後に、前記移動方向側に傾斜させることを特徴とする請求項12又は13記載の同軸二輪車の制御方法。

[15]　目標姿勢角度を変更することによって、前記ステップ部の傾斜角度を増加させることを特徴とする請求項12～14いずれかに記載の同軸二輪車の制御方法。

[16]　前記目標姿勢角度をデジタルローパスフィルタによって滑らかに変化させて前記ステップ部の傾斜角度を増加させることを特徴とする請求項15記載の同軸二輪車の制御方法。

[17]　前記目標姿勢角度を複数の2次以上の曲線を連結した曲線に沿って変化させるこ

とによって、前記ステップ部の傾斜角度を増加させることを特徴とする請求項15記載の同軸二輪車の制御方法。

[18] 前記同軸二輪車の速度がゼロであることを検出した場合には、姿勢制御を停止し、当該同軸二輪車が停止した状態を維持するように、車輪の駆動モータを制御することを特徴とする請求項12～17いずれかに記載の同軸二輪車の制御方法。

[19] 前記同軸二輪車が完全に停止した状態になるように、2次以上の曲線に沿って駆動速度が変化するように前記駆動モータを制御することを特徴とする請求項18記載の同軸二輪車の制御方法。

[20] 搭乗者の足が両足とも前記ステップ部を離れたことを検出した場合には、車輪の駆動モータの制御を停止することを特徴とする請求項12～19いずれかに記載の同軸二輪車の制御方法。

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	
Applicant's or agent's file reference TYT07119P	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/066713	17.09.2008	22.10.2007

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

Applicant
TOYOTA JIDOSHA KABUSHIKI KAISHA

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

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 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 be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*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/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/066713

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/JP2008/066713

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

1. Statement

Novelty (N)	Claims	1-20	YES
	Claims		NO
Inventive step (IS)	Claims	1-20	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-20 is not disclosed in any of the documents cited in the ISR, and would not be obvious to a person skilled in the art.

特許協力条約

RECEIVED
08.12.24
HIBIKI
IP Law Firm

発信人　日本国特許庁（国際調査機関）

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ＰＣＴ
国際調査機関の見解書
（法施行規則第 40 条の 2）
〔ＰＣＴ規則 43 の 2.1〕

発送日 （日.月.年）	２２．１２．２００８
出願人又は代理人 の書類記号　TYT07119P	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００８／０６６７１３	（日.月.年）　１７．０９．２００８	（日.月.年）　２２．１０．２００７

国際特許分類（ＩＰＣ）Int.Cl. B62K17/00(2006.01)i, B62J25/00(2006.01)i, B62J39/00(2006.01)i, B62K3/00(2006.01)i

出願人（氏名又は名称）
トヨタ自動車株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則 43 の 2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則 66.1 の 2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
１６．１２．２００８

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 北村　亮 電話番号　０３－３５８１－１１０１　内線　３３４１	３Ｄ　３５２１

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００８／０６６７１３

第Ｉ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

2．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００８／０６６７１３

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則 43 の 2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1.　見解

新規性（N）	請求の範囲	1-20	有
	請求の範囲		無
進歩性（ＩＳ）	請求の範囲	1-20	有
	請求の範囲		無
産業上の利用可能性（ＩＡ）	請求の範囲	1-20	有
	請求の範囲		無

2.　文献及び説明

請求の範囲 1-20 に係る発明は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

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MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of
Susumu OIKAWA
Application No.: 12/522,230
Filed: July 6, 2009
Attorney Docket No. 14372/13
For: Coaxial Two-Wheel Vehicle and Method of Controlling the Same

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 7, 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, 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.

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 Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

MAILED

DEC 13 2010

OFFICE OF PETITIONS

Applicants: Hubert Kefer
Appl. No.: 12/522,399
International Filing Date: January 18, 2007
Title: BREECH BLOCK FOR A DROP-DOWN BARREL WEAPON
Attorney Docket: 1479-15 PCT/US
Pub. No.: US 2010/0037503 A1
Pub. Date: February 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 24, 2010, for the above-identified application.

The request is granted to the extent National Stage entry will be published.

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

14 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET NW
WASHINGTON, DC 20005

In re Application of SATO U.S. Application No.: 12/522,437 PCT No.: PCT/JP2007/075387 Int. Filing Date: 26 December 2007 Priority Date: 09 January 2007 Attorney Docket No.: SUZ0066-US For: COMPRESSION TRAINING APPARATUS, COMPRESSION TRAINING SYSTEM AND METHOD OF CONTROL	:	DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY OF RECORD

This decision is in response to the "Request For Withdrawal As Attorney Or Agent Of Record And Change Of Correspondence Address" (Form PCT/SB/83) filed 01 April 2010.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. ...
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Aslan Baghdadi has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 36183.

In addition, applicant filed a new power of attorney and revocation of power of attorney

on 20 July 2010 appointing counsel from another firm and changing the correspondence address.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **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 including updating the correspondence address as reflected in the new power of attorney submitted on 20 July 2010.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3294

CC:

Edell, Shapiro & Finnan LLC
1901 Research Blvd
Suite 400
Rockville MD 20850

27 SEP 2010

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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of	:	
SMITH et al.	:	
Application No.: 12/522,509	:	DECISION ON
PCT No.: PCT/GB2007/000186	:	
Int. Filing Date: 22 January 2007	:	PETITION UNDER
Priority Date: 24 January 2006	:	
Attorney Docket No.: 2245.113	:	37 CFR 1.137(b)
For: OSTOMY BAG	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.137(b) filed 04 November 2009.

BACKGROUND

On 22 January 2007, applicants filed international application PCT/GB2007/000186 which designated the U.S. and claimed a priority date of 24 January 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 July 2008.

On 08 July 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, a declaration of inventors, and a petition under 37 CFR 1.137(b).

On 04 September 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.13(b). Specifically, it was noted that the showing of record was not sufficient to establish to the satisfaction of the Commissioner that the entire delay was unintentional.

On 04 November 2009, applicants submitted the instant renewed petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 08 July 2009.

As to item (2), applicant submitted the petition fee on 08 July 2009.

As to item (3), the showing of record is now sufficient to establish to the satisfaction of the Commissioner that the delay was unintentional.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of the Inventor

The declaration of inventors filed 08 July 2009 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in the named inventor between the published international application (Roy James Maxwell SMITH) and the declaration of the inventor (Rory James Maxwell SMITH). It is not clear if there was a typographical in the last name of the inventor as indicated in the international application (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

Also, the declaration filed 08 July 2009 is not sufficient because it contains non-initialed alterations (under "Residence" for all three inventors). 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

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicants are required to file a declaration in compliance with 37 CFR 1.497(a)-(b) and 37 CFR 1.52(c) naming the proper inventive entity, or a proper change of inventorship under 37

CFR 1.497(d), or a Form PCT/IB/306 indicating a change effected under PCT Rule 92bis corresponding to the declaration filed 08 July 2009, within **TWO (2) MONTHS** from the date of mailing of this decision. 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

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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAILED
JUN 06 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
SMITH et al.	:	
Application No.: 12/522,509	:	DECISION
PCT No.: PCT/GB2007/000186	:	
Int. Filing Date: 22 January 2007	:	
Priority Date: 24 January 2006	:	
Attorney Docket No.: 2245.113	:	
For: OSTOMY BAG	:	

This decision is in response to applicants' submission filed 18 November 2010.

BACKGROUND

On 22 January 2007, applicants filed international application PCT/GB2007/000186 which designated the U.S. and claimed a priority date of 24 January 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 July 2008.

On 08 July 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, a declaration of inventors, and a petition under 37 CFR 1.137(b).

On 04 September 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.13(b). Specifically, it was noted that the showing of record was not sufficient to establish to the satisfaction of the Commissioner that the entire delay was unintentional.

On 04 November 2009, applicants submitted a renewed petition under 37 CFR 1.137(b).

On 27 September 2010, a decision was mailed granting applicants' petition under 37 CFR 1.137(b). The decision also noted that the declaration of inventors filed 08 July 2009 is not in compliance with 37 CFR 1.497(a)-(b) because there is a difference in names in the named inventor between the published international application (Roy James Maxwell SMITH) and the

declaration of the inventor (Rory James Maxwell SMITH). The decision further noted that the declaration filed 08 July 2009 is not sufficient because it contains non-initialed alterations (under "Residence" for all three inventors). 37 CFR 1.52(c).

On 18 November 2010, applicants filed the instant submission which includes a new declaration of inventors.

DISCUSSION

The declaration of inventors filed 18 November 2010 is in compliance with 37 CFR 1.497(a)-(b) and 37 CFR 1.52(c). Regarding the difference in names, a review of the file for the international application on WIPO's PATENTSCOPE database (www.wipo.int/pctdb/en/search-adv.jsp) shows the name of the first-named inventor as Rory James Maxwell SMITH in the PCT Request filed with the international application. Thus, a typographical error was made in the first name of Mr. Smith in the publication of the international application. Accordingly, there is no difference in names between the published international application and the declaration of the inventor.

CONCLUSION

The petition is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

OCT 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Shohei Yamada, et al.	:	
Application No. 12/522,517	:	DECISION GRANTING PETITION
Filed: July 8, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1609-0228PUS1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 26, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 27, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2112 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

27 AUG 2010

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DUANE MORRIS LLP - NY
PATENT DEPARTMENT
1540 BROADWAY
NEW YORK NY 10036-4086

In re Application of LIN et al.	:
Application No.: 12/522,533	: DECISION ON PETITION
PCT No.: PCT/US08/51422	:
Int. Filing: 18 January 2008	: UNDER 37 CFR 1.47(a)
Priority Date: 19 January 2007	:
Attorney Docket No.: Y2119-00041	:
For: METHOD AND APPARATUS	:
FOR CONNECTING PIPING	:

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 July 2010, to accept the application without the signature of joint inventor Lei Zhang.

BACKGROUND

On 08 July 2009, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 13 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), and the surcharge for filing the oath or declaration after the thirty month period, were required.

On 13 April 2010, applicant filed a statement of facts, a declaration, executed by the joint inventor on behalf of the nonsigning inventor and a petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requesting the acceptance of the application without the signature of inventor Lei Zhang, alleging that Mr. Zhang refuses to sign.

On 04 June 2010, a decision dismissing the petition under 37 CFR 1.47(a) was mailed.

DISCUSSION

Petitioner has now presented the declaration signed by inventor Lei Zhang. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and is executed by the previously non-signing inventor. The declaration also states

the residency, citizenship and mailing address of each inventor.

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted. The declaration executed by inventor Zhang is acceptable under 37 CFR 1.497(a) and (b). The declarations are acceptable.

CONCLUSION

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

The declaration, executed by Lei Zhang, and submitted on 16 July 2010, is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 16 July 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

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07 OCT 2010

27045
ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

In re Application of
WALKER *et al*
U.S. Application No.: 12/522,565
PCT No.: PCT/IB2007/003429
Int. Filing Date: 09 November 2007
Priority Date: 09 January 2006
Attorney Docket No.: P23396-US2
For: MECHANISM TO UNIQUELY IDENTIFY AND UNIFY A USER

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 18 May 2010.

BACKGROUND

On 18 November 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 18 May 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 surcharge fee; a $130.00 petition fee; a four-month extension and $1,730.00 extension fee; and documentary evidence in support of the petition (Exhibits A - E, G, H).

DISCUSSION

Applicants claim that co-inventor, John Michael WALKER refuses to cooperate and have filed a petition under 37 CFR 1.47(b).

It is first noted that a petition under 37 CFR 1.47(b) is not appropriate in this situation as four of the five named inventors have joined in the application. When at least one joint inventor is available, a petition under 37 CFR 1.47(a) is required. *See* MPEP § 409.03(a). Accordingly, the subject petition is treated under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or

declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (1) and (3) of 37 CFR 1.47(a) are satisfied in the subject petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants state that they sent an email to Mr. Walker with a copy of a declaration for the subject application on 02 May 2008 and 08 July 2009. Petitioner claim that Mr. Walker did not return the documents. A copy of the emails were provided (Exhibit B) which shows that the email sent 08 July 2009 was sent to "jwalkerpina@gmail.com" and included a copy of international publication "WO 2008/084287" (PCT/IB2007/003429).[2]

Applicants declare that the inventor's declaration was sent by courier on 01 February 2010 to the last known address of Mr. WALKER. Exhibit D contains a list of the applications for which declarations were provided to the nonsigning inventor. A review of this list shows that the subject application was included. Finally, applicants claim that Mr. WALKER sent an email on 09 March 2010 whereby he refused to sign the declaration because of "the standard required language relating to penalties under 18 U.S.C. § 1001. A copy of this email was provided as Exhibit E.

This is treated as a written refusal to cooperate. *See* MPEP § 409.03(d)(II).

A review of Exhibit E shows that Mr. WALKER sent a response by email (from "jwalkerpina@gmail.com") indicating that he would not sign declarations due to their legal format requirements. However, there is <u>no</u> indication in the email of what declaration Mr. WALKER is refusing to sign, or if he refusing to sign all the declarations sent by courier on 01 February 2010. The subject application is not listed in Exhibit E. In addition, it appears that relevant communications from Mr. WALKER has not been provided. Specifically, the communications from Mr. WALKER which prompted applicants to send the information to Mr. WALKER that U.S. law requires this language in the declaration. Copies of these communications (with applicable English translations if required) should be provided in any renewed petition.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet satisfied.

Concerning item (4) of 37 CFR 1.47(a), applicants provided a declaration executed by four of the five joint inventors, and by the assignee on behalf of the

---

[1] Applicants submitted a $130.00 petition fee. The fee for a petition under 37 CR 1.47 is $200.00 pursuant to 37 CFR 1.17(g). The $70.00 difference has been charged to counsel's Deposit Account as authorized. The last known address of the nonsigning inventor is listed in the petition.

[2] The email dated 02 May 2008 provided as Exhibit B was sent to Göran Hall. No explanation was provided as to why this email was submitted.

nonsigning inventor. This is not acceptable.

Section 409.03(a)(A) of the MPEP requires that all the available joint inventors must make the declaration on their own behalf and on behalf of the nonsigning inventor. Here, an officer of the assignee, Telefonaktiebolaget L M Ericsson, executed the declaration on behalf of Mr. Walker, not the available inventors. A new declaration signed by all the available inventors on behalf of Mr. WALKER is required.

For this reason, item (4) of 37 CFR 1.47(a) is also not satisfied.

CONCLUSION

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

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

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by 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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Plano, TX 75024

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
WALKER *et al*
U.S. Application No.: 12/522,565
PCT No.: PCT/IB2007/003429
Int. Filing Date: 09 November 2007
Priority Date: 09 January 2006
Attorney Docket No.: P23396-US2
For: MECHANISM TO UNIQUELY IDENTIFY AND UNIFY A USER

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 19 January 2011.

BACKGROUND

On 07 October 2010, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 19 January 2011, applicants filed a renewed petition which was accompanied by, *inter alia*, a two-month extension and fee, a declaration executed by the signing inventors on behalf of the nonsigning inventor, and an affidavit of Manuel Lorenzo.

DISCUSSION

Applicants claim that co-inventor, John Michael WALKER, refuses to cooperate.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (2) and (4) of 37 CFR 1.47(a) are still outstanding.

Regarding item (2) of 37 CFR 1.47(a), applicants provided an affidavit of Manuel Lorenzo who states that he contacted Mr. Walker by telephone on 09 March 2010 and requested that he sign the declaration. Mr. Lorenzo claims that Mr. Walker refused to

sign the declaration for each application.[1] This is considered an express oral refusal to cooperate as contemplated by MPEP § 409.03(d)(II).

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

Concerning item (4) of 37 CFR 1.47(a), applicants provided a declaration executed by four of the five joint inventors on behalf of the nonsigning inventor. This declaration meets the requirements of MPEP § 409.03(a)(A) and is in compliance with 37 CFR 1.497(a) and (b).

Item (4) of 37 CFR 1.47(a) is also satisfied.

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 09 November 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 19 January 2011.

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

[1] Applicants demonstrated that a copy of the subject application was sent to Mr. Walker by email on 02 May 2008 and 08 July 2009 in the initial petition.

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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

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
WALKER *et al*
U.S. Application No.: 12/522,565
PCT No.: PCT/IB2007/003429
Int. Filing Date: 09 November 2007
Priority Date: 09 January 2006
Attorney Docket No.: P23396-US2
For: MECHANISM TO UNIQUELY IDENTIFY AND UNIFY A USER

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.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

ERICSSON INC.
6300 Legacy Drive
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Plano, TX 75024

24 SEP 2010

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Alexandria, VA 22313-1450
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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
Dlugogorski et al.	:	
Application No.: 12/522,626	:	
PCT No.: PCT/AU2008/000013	:	
Int. Filing Date: 10 January 2008	:	DECISION
Priority Date: 10 January 2007	:	
Attorney Docket No.: 15880.00005USWO	:	
For: Method For Gassing Explosives	:	
Especially At Low Temperatures	:	

This is in response to the papers filed on 09 July 2009.

BACKGROUND

International application PCT/AU2008/000013 was filed on 10 January 2008, claimed an earlier priority date of 10 January 2007, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 17 July 2008. The period for payment of the basic national fee in the United States expired as of midnight on 10 July 2009. Applicants filed *inter alia* a basic national fee in 12/522,626 on 09 July 2009.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 09 July 2009 was directed toward the national stage under 35 U.S.C. 371 of "PCT/AU2007/001598," while the Electronic Acknowledgment Receipt dated 09 July 2009 shows that applicants indicated "PCT/AU08/00013" was the subject of the submission. The Application Data sheet and cover letter also refer to PCT/AU2008/000013. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 09 July 2009 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

United States 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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of
Dlugogorski et al.
Application No.: 12/522,626
PCT No.: PCT/AU2008/000013
Int. Filing Date: 10 January 2008
Priority Date: 10 January 2007
Attorney Docket No.: 15880.00005USWO
For: Method For Gassing Explosives Especially At Low Temperatures

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 18 November 2010.

DISCUSSION

In a Decision mailed on 24 September 2010, applicants were advised that

> Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 09 July 2009 was directed toward the national stage under 35 U.S.C. 371 of "PCT/AU2007/001598," while the Electronic Acknowledgment Receipt dated 09 July 2009 shows that applicants indicated "PCT/AU08/00013" was the subject of the submission. The Application Data sheet and cover letter also refer to PCT/AU2008/000013. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, applicants have filed the instant petition (and fee) under 37 CFR 1.182. Petitioner requests acceptance of the application as the national stage under 35 U.S.C. 371 of PCT/AU2008/000013. Petitioner notes that "the only document that contains a discrepancy is the second transmittal form (Form 1390). This form incorrectly lists PCT/AU2007/001598. However it is noted that the International Filing Date and Priority Date claimed on this form are the dates for PCT/AU2008/000013." Based on the totality of the evidence now of record, including petitioner's statements, it would be appropriate to accept petitioner's identification of this application as the national stage of PCT/AU2008/000013.

DECISION

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

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/AU2008/000013.

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

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: 256075-000009USPX	Application Number (if known): 12/522,692	Filing date: July 9, 2009

First Named Inventor: Kevin McGuire

Title: METHOD AND SYSTEM FOR REAL TIME RECORDS FROM AGGREGATED MOBILE DATA

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: Preliminary Amendment

Signature /Stephen G. Rudisill, Reg. No. 20,087/	Date November 2, 2010
Name (Print/Typed) Stephen G. Rudisill	Registration Number 20,087

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

☑ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/522,692	07/09/2009	Mitch A. Briscbois	256075-000009USPX	2346

70001 7590 11/24/2010
NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
11/24/2010	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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NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO IL 60606-6613

In re Application of BRISEBOIS, Mitch et al. Application No. 12/522,692 Filed: July 9, 2010 For: **METHOD AND SYSTEM FOR REAL TIME RECORDS FROM AGGREGATED MOBILE DATA**	: : : : :	**DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

This is a decision on the petition under 37 CFR 1.102, filed November 2, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis

for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 3, 4 and 8 above for the reasons explained in more detail below.

Item 3 clearly states 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. Item 4 also states that 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. Neither the "Statement of Special Status" nor the "New Release" seek special status based on the claimed invention. Rather, they merely contain general statements and statistics regarding the benefit of the assignee's product(s). Furthermore, Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor dies such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment." There appears to be no disclosure in the instant specification or the claims regarding the enhancement of the quality of the environment. Furthermore, merely eliminating paper documents in lieu of electronic documents is clearly "some minor aspect of the claimed invention [which] may enhance the quality of the environment," but can not serve as the standard for special status under the Pilot Program for Green Technologies.

Regarding item 8, the publication fee as set forth in 37 CFR 1.18(d) has not been paid.

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.

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

2 3 SEP 2010

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of EMILSSON (Deceased) Application No.: 12/522,773 PCT No.: PCT/SE08/50024 Int. Filing Date: 10 January 2008 Priority Date: 12 January 2007 Attorney Docket no.: 05822.040USWO For: A PARKING BRAKE ARRANGEMENT	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 29 July 2010. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 08 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.

On 29 July 2010, applicant filed an executed declaration identifying Ulla Melin Emilsson as the administrator of the deceased sole inventor Fred Emilsson.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 29 July 2010 identifies Ulla Melin Emilsson as the estate administrator of the deceased inventor Fred Emilsson 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 29 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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NOV 08 2010

PCT LEGAL ADMINISTRATION

BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of
YAN et al.
Application No. 12/522,826
PCT No.: PCT/US2008/000301
Int. Filing Date: 09 January 2008
Priority Date: 10 January 2007
Atty. Docket No.: 10001-27US1; 15113.0027U3
For: Vegetarian Microcapsules

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 21 September 2010.

DISCUSSION

In a Decision mailed on 13 July 2010, the declaration filed on 25 March 2010 was not accepted, without prejudice, because

> Inspection of the published international application reveals that it nominates "WEBBER, Lesek, Alexa" as an inventor, whereas on the declaration filed on 25 March 2010, the corresponding name has been altered to "Lesek Alexa Demont." Counsel states that this "name change was the result of marriage... In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement, preferably by the inventor herself, stating the relevant facts.

In response, counsel has filed such a petition, accompanied by a "Statement of Inventor..." signed by Lesek Alexa Demont, who indicates that she was named as an inventor in the international phase but, "I was married and changed my name and residence as a result of my marriage. My new name is 'Lesek Alexa Demont...'" Based on the totality of the evidence now of record, it would be appropriate to accept this inventor's name as it appears on the declaration filed on 25 March 2010. The declaration is accepted for purposes of 37 CFR 1.497(a) and (b). *See* MPEP 605.04(c).

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 **25 March 2010**.

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

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

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DEC 14 2010

OFFICE OF PETITIONS

Applicant: Tsuruta, et al.
Appl. No.: 12/522,898
International Filing Date: January 16, 2007
Title: FILM SUPPLY APPARATUS AND FILLING AND PACKAGING SYSTEM INCLUDING THE FILM SUPPLY APPARATUS
Attorney Docket No.: KITO60.002APC
Pub. No.: US 2010/0043350 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 26, 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 spelling of the assignee's name is incorrect.

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

The error on the front page of the published patent application wherein the spelling of the assignee's name "ORIHIRO ENGINEERING CO., LTD," is incorrectly listed as "ONIHIRO ENGINEERING C., LTD." is not a material Office error under 37 CFR 1.221(b). The misprinting 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

[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 may seek to enforce upon issuance of a patent. 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 November 17, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to submit the Application Data Sheet (PTO/SB/14 or eADS) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free)
571-272-4100 (local)
E-mail: **ebc@uspto.gov**

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

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

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

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

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

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

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

1 - SEP 2010

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Jefferson IP Law, LLP
1130 Connecticut Ave., NW
Suite 420
Washington DC 20036

In re Application of KANG et al. Application No.: 12/522,943 PCT No.: PCT/KR08/00196 Int. Filing: 11 January 2008 Priority Date: 13 January 2007 Attorney Docket No.: 0201-0229 For: METHOD AND SYSTEM FOR TRANSMITTING AND RECEIVING SIGNAL USING MULTIPLE FREQUENCY BANDS IN A WIRELESS COMMUNICATION SYSTEM	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's "Response to Decision on Petition Under 37 CFR 1.47(a)" filed in the United States Patent and Trademark Office on 23 June 2010.

BACKGROUND

On 11 January 2008, applicant filed international application PCT/KR08/00196, claiming a priority date of 13 January 2007 and designating the United States.

On 13 July 2009, applicant filed a request for entry into the U.S. national stage along with the basic national fee.

On 17 February 2010, a Notification of Missing Requirements (Form PTO/DO/EO/905) was mailed to applicant, indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 02 March 2010, a petition under 37 CFR 1.47(a) was filed regarding the lack of signature of inventor Min-Hee Cho. On 23 April 2010, a decision dismissing the petition was mailed indicating that applicant had not fulfilled the requirements of 37 CFR 1.47(a).

DISCUSSION

Petitioner has now presented the declarations signed by previously nonsigning inventor MIN-HEE CHO and the joint inventors. A review of the declarations reveals that the declarations identify and are executed by all the inventors named in the international application including their respective citizenship, the residency and mailing address of each inventor.

The petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declarations are acceptable.

CONCLUSION

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

The declarations, executed by MIN-HEE CHO, and submitted on 23 June 2010, is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 23 June 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
MAR 30 2011
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
Mondin et al	:	
Application No: 12/522,971	:	
PCT No.: PCT/US2009/045151	:	PETITION UNDER
Int. Filing Date: 26 May 2009	:	
Priority Date: 23 May 2008	:	
Attorney's Docket No.: 7956-00-HC	:	
For: LIQUID CLEANING COMPOSITIONS AND	:	
METHODS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 31 January 2011.

BACKGROUND

On 13 July 2009, applicants filed via EFS-WEB entry into the national stage in the United States of America. Filed via EFS-WEB was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the filing.

On 29 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be furnished.

On 31 January 2011, petitioner filed the present petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signature of one of the joint inventors, i.e., without the signature of Baudoin Mertens.

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.

Petitioner has satisfied requirements (1), (3) and (4) of 37 CFR 1.47(a). However, requirements (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding requirement (1), petitioner has provided the petition fee of $200 under 37 CFR 1.17(g).

Regarding requirement (2), Mr. Morgan has stated that a complete copy of the application papers were mailed on July 26, 2010 via Federal Express to the non-signing co-inventor, Baudoin Mertens' home addresses and were delivered on July 28, 2010 but have not been returned. Petitioner has provided a copy of the cover letter mailed with the application papers, and has included the Federal Express shipping information of delivery. However, a review of the shipping information indicates that no signature was required for the package to be delivered. That is, there is no signed receipt by Mertens acknowledging that the papers were delivered at to him at his home address.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Moreover, it is not clear from the petition that it was Mr. Morgan who performed the actions listed in the petition and the person who mailed the application papers, and has first hand knowledge of those facts as required by MPEP Section 409.03(d) as the cover letter was signed by Emily Rhoden. If Mr. Morgan was not the person who performed the actions listed, petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts.

Accordingly, the current record does not support the premise that Mr. Mertens' conduct constitutes refusal since he was not given until the deadline to provide the documents.

Regarding requirement (3), petitioner has provided an affirmative statement of the last known address of the nonsigning co-inventor Mr. Mertens.

Baudoin Mertens
34 Avenue de la Dame
5100 Jambes, Belgium

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signature of joint inventor MERTENS.

Consequently, the petition does not satisfy all the requirements 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
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
Mondin et al	:	
Application No: 12/522,971	:	
PCT No.: PCT/US2009/045151	:	PETITION UNDER
Int. Filing Date: 26 May 2009	:	
Priority Date: 23 May 2008	:	
Attorney's Docket No.: 7956-00-HC	:	
For: LIQUID CLEANING COMPOSITIONS AND	:	
METHODS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 31 May 2011.

BACKGROUND

In a decision from this Office on 30 March 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 31 May 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 30 March 2011 with respect to accepting the above application without the signature of joint inventor Baudoin Mertens.

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 31 May 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), a statement by Michael F. Morgan who has first-hand knowledge, has provides a statement outlining the steps he took to mail the application papers to the non-signing joint inventor Mertens on May 20, 2011 and delivered to his address on May 23, 2011 and signed for, and he has not returned the required papers signed. Mr. Morgan has provided the evidence of the mailing of the package and receipt by Mr. Mertens.

Consequently, at this time it can be concluded that Mr. Mertens has refused to sign the documents.

Petitioner has now satisfied item (2) 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. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **31 January 2011.**

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

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Baudoin Mertens
34 Avenue de la Dame
5100 Jambes, Belgium

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re of
Mondin et al
Application No: 12/522,971
PCT No.: PCT/US2009/045151
Int. Filing Date: 26 May 2009
Priority Date: 23 May 2008
Attorney's Docket No.: 7956-00-HC
For: LIQUID CLEANING COMPOSITIONS AND METHODS

Dear: Mr. Mertens,

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

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
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February 9, 2012

Patent No. : 8,037,25 B2
Appl. No. : 12/523,002
Inventor(s) : Torsten Niemeyer, et al.
Issued : October 18, 2011
Title : **PRIMER ELEMENT**
Docket No. : **11635-51**

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 1.322/1.323.

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.

All petitions for correction of Assignees' names under rule 3.81(b) should:

(A) state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

(B) include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); (unless fee (currently $100) was previously paid for consideration of request for certificate of correction)

(C) include the processing fee set forth in 37 CFR 1.17(i).

The petition 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
(Hours of operation are 8:30 a.m. to midnight, Eastern Standard Time, Monday through Friday)

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

EFS-Web (Web-based Electronic Filing System) accessible through the Electronic Business Center (EBC);

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAR 22 2012
OFFICE OF PETITIONS

In re Patent No. 8,037,825	:	
Issue Date: October 18, 2011	:	
Application No. 12/523,002	:	DECISION ON PETITION
Filed: July 13, 2009	:	
Attorney Docket No. **11635-51**	:	

This is a decision on the petition, filed, February 23, 2012, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's names are "Rheinmetall Waffe Munition GmbH, Ratingen (DE) and PL Elektronic GmbH, Lilienthal (DE)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Rheinmetall Waffe Munition GmbH, Ratingen (DE) and PL Elektronic GmbH, Lilienthal (DE)" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

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

Thurman Page
Petitions Examiner
Office of Petitions

PATENT

Docket No. 11635-51

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Conf. No.: 5081

Applicant: Torsten Niemeyer

Patent No.: 8,037,825

Issued: October 18, 2011

Serial No: 12/523,002

Filed: July 13, 2009

For: PRIMER ELEMENT

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

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 3.81(b)

S I R:

On close scrutiny of Patent No. 8,037,825 issued October 18, 2011 of the above-identified Patent, it is noted that the Assignment data is incorrect.

Applicant states that the Assignment was submitted for recordation as set forth in 37 CFR 3.11 before the issuance of the patent. A Notice of Recordation of Assignment Document dated July 13, 2009 in the name of RHEINMETALL WAFFE MUNITION GMBH and PL ELEKTRONIC GMBH was recorded on July 13, 2009, under reel/frame 022946/0956. A credit card payment to cover the required fee set forth in 37 CFR 1.20(a) in the amount of $100.00 and the processing fee set forth in 37 CFR 1.17(i) in the amount of $130.00 are submitted herewith.

Therefore, it is respectfully requested that a Certificate of Correction be issued.

Any additional fees or charges required at this time in connection with this Patent may be charged to Patent and Trademark Office Deposit Account No. 02-2275.

Respectfully submitted,

LUCAS & MERCANTI LLP

By _____

Klaus P. Stoffel, Reg. No. 31,668
475 Park Avenue South
New York, New York 10016
(212) 661-8000

Dated: February 23, 2012
Encls: Form SB/44

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted by EFS-web to the Commissioner for Patents on February 23, 2012.

By: _____ Date: February 23, 2012
Klaus P. Stoffel, Reg. No. 31,668

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
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.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 8,037,825

APPLICATION NO.: 12/523,002

ISSUE DATE : October 18, 2011

INVENTOR(S) : Torsten Niemeyer

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(73) Assignees: Rheinmetall Waffe Munition GmbH,
Ratingen (DE);
PL Elektronic GmbH,
Lilienthal (DE)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

LUCAS & MERCANTI, LLP
475 Park Avenue South, 15th Floor
New York, New York 10016

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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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.
12/523,030	07/13/2009	Satoshi Nakamura	0879-1140PUS1	5376

2292 7590 06/23/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2486	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

MAILED

JUN 22 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of: NAKAMURA, SATOSHI et al.
Application No. 12/523,030
Filed: July 13, 2009
For: IMAGE RECORDING DEVICE AND IMAGE RECORDING METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 28, 2011, to make the above-identified application special.

The petition is **DISMISSED.**

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

(1) The U.S. application 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) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

The request to participate in the PPH program and petition do not meet the requirements set forth in items (2) and (5) above.

With respect to item (2), there does not appear to be any indicated allowable claims in view of the "Notice of Reasons for Rejection" received on 12/28/2010. Additionally, the "Notice of Reasons for Rejection" received 12/28/2010 is inconsistent with item 1a on PPH form PTO/SB/20JP (05-10), received 4/28/2011, where Applicant indicates that the JPO application was allowed in a first office action.

With respect to item (5), no statement that the English translation of the JPO office action received 12/28/2010 is accurate has been submitted.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

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

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

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

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

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.
12/523,030	07/13/2009	Satoshi Nakamura	0879-1140PUS1	5376

2292 7590 09/15/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2486	

NOTIFICATION DATE	DELIVERY MODE
09/15/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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

In re Application of: NAKAMURA, SATOSHI et al.
Application No. 12/523,030
Filed: July 13, 2009
For: IMAGE RECORDING DEVICE AND IMAGE RECORDING METHOD

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

MAILED

SEP 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and a renewed petition under 37 CFR 1.102(a), filed July 25, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application 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) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

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

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington, D.C. 20001

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MAR 29 2011

PCT LEGAL ADMINISTRATION

In re Application of:
THIERAUF et al.
U.S. Application No.: 12/523,102
PCT No.: PCT/EP2008/000124
International Filing Date: 10 January 2008
Priority Date: 15 January 2007
Attorney's Docket No.: 2903867-025000
For: SILICA SOL MATERIAL FOR PRODUCING BILOGICALLY DEGRADABLE AND/OR RESORBABLE SILICA GEL MATERIALS, THE PRODUCTION AND USE THEREOF

PETITION UNDER 37 CFR 1.497(d) TO CORRECT INVENTORSHIP

This decision is issued in response to applicant's submission filed 24 February 2010 treated herein as a Request to Correct Inventorship under 37 CFR 1.497(d). The $130 petition fee has been submitted.

BACKGROUND

On 10 January 2008, applicant filed international application PCT/EP2008/000124 which claimed a priority date of 15 January 2007. The international application named Axel Thierauf and Walther Glaubitt as applicants/inventors. The deadline for submission of the basic national fee was to expire thirty months from the priority date, i.e., 15 July 2009.

On 14 July 2009, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, the requisite basic national fee, a copy of the international application, and a preliminary amendment.

On 29 September 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 24 February 2010, applicant filed a declaration executed by Walther Glaubitt and the present request to Correct Inventorship under 37 CFR 1.497(d).

DISCUSSION

The published international application identified four applicants/inventors (Axel Thierauf and Walther Glaubitt) for the United States. The present submission seeks to correct the inventorship so as to delete inventor Axel Thierauf from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17;
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter); and
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has submitted a statement from the persons being deleted (Axel Thierauf) as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR 1.497(d)(2) has been submitted. Additionally, applicant has submitted the consent of the assignee to the requested correction of inventorship in the form required under 37 CFR 1.497(d)(3) and 3.73(b). Lastly, applicant has submitted a declaration executed by Walther Glaubitt. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

CONCLUSION

The request under 37 CFR 1.497(d) is <u>GRANTED</u>.

Axel Thierauf will be deleted as an inventor herein.

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

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

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United States Patent and Trademark Office
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PCT LEGAL ADMINISTRATION

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

In re Application of: WINTER, Rick	:	
U.S. Application No.: 12/523,146	:	DECISION
PCT No.: PCT/US2008/051111	:	
International Filing Date: 16 January 2008	:	
Priority Date: 16 January 2007	:	
Attorney Docket No.: 095981	:	
For: ELECTROCHEMICAL ENERGY	:	
CELL SYSTEM	:	

This decision is issued in response to the "Petition Under 37 CFR 1.182 Or Alternatively Under 1.78(a)(3), To Correct Priority Claim" filed 30 June 2010. Applicant has submitted the $400 petition fee required for the petition under 37 CFR 1.182; Deposit Account No. 18-1579 will be charged the $1,410 fee required for the petition under 37 CFR 1.78(a)(3).

BACKGROUND

On 16 January 2008, applicant filed international application PCT/US2008/051111. The international application claimed a priority date of 16 January 2007, and it designated the Untied States. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 16 July 2009.

On 14 July 2009, applicant filed materials requesting entry into the national Stage in the United States accompanied by, among other materials, payment of the basic national fee, an application data sheet (ADS), a preliminary amendment, and an executed declaration.

The ADS identified the application as the national stage of PCT/US2008/051111 and it indicated that PCT/US2008/051111 claimed the benefit under 35 USC 119(e) of prior-filed U.S. application 11/654,380. The declaration included a claim of foreign priority directed to U.S application 11/654,380. The preliminary amendment to the specification identified the present application as the national stage of PCT/US2008/051111 and stated that the international application "claims benefit of United States application 11/654,380."

On 02 October 2009, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Acceptance" (Form PCT/DO/EO/903). Also on 02 October 2009, a filing receipt was issued. The filing receipt identified the application as the national stage of PCT/US2008/051111, and it indicated that the application included a foreign priority claim directed to US application 11/654,380.

On 24 March 2010, applicant filed a revised ADS in which the priority claim directed to U.S. application 11/654,380 was revised from a claim under 35 U.S.C. 119(e) to an indication that the international application was "an application claiming the benefit under 35 U.S.C. 120" of U.S. application 11/654,380. The submission was accompanied by a request for a corrected filing receipt.

On 01 April 2010, a corrected filing receipt was issued that identified the present application as the national stage of PCT/US2008/051111 "which is a CON of 11/654,380."

On 30 April 2010, a decision was mailed vacating the corrected filing receipt. The decision indicated that an acceptable claim of domestic priority directed to U.S. application 11/654,380 was not timely submitted in the present application and that such a claim could only be entered if accompanied by a grantable petition under 37 CFR 1.78(a). The decision was accompanied by a revised filing receipt in which the priority claim directed to U.S. application 11/654,380 had been removed.

On 30 June 2010, applicant filed the "Petition Under 37 CFR 1.182 Or Alternatively Under 1.78(a)(3), To Correct Priority Claim" considered herein.

DISCUSSION

1. Petition Under 37 CFR 1.182

In the present petition under 37 CFR 1.182, applicant argues that the reference to prior-filed U.S. application 11/654,380 contained in the preliminary amendment filed on 14 July 2009 was sufficient to satisfy the requirements of 37 CFR 1.78(a)(2)(i). Specifically, applicant argues that the amendment's statement that the international application "claims benefit of United States application 11/654,380" is a sufficient indication of the relationship between the two applications. Applicant's argument has been considered but is found unconvincing.

MPEP section 201.11(III)(A) expressly rejects applicant's interpretation of the "relationship of the applications" requirement set forth in 37 CFR 1.78(a)(2)(i). Specifically, the MPEP states as follows (emphasis added):

> The relationship between the applications is whether the instant application is a continuation, divisional, or continuation-in-part of the prior nonprovisional application. An example of a proper benefit claim is "this application is a continuation of prior Application No. ---, filed ---." **A benefit claim that merely states that "this application claims the benefit of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), since the relationship between the applications is not stated.**

Accordingly it is concluded that the statement in the preliminary amendment filed 14 July 2009 that the international application "claims benefit of United States application 11/654,380" was not an acceptable benefit claim under 37 CFR 1.78 and 35 U.S.C. 120 directed to such prior-filed U.S. application.

Applicant also argues that the USPTO requirement for an amendment indicating the relationship of the international application to the earlier priority application requires a "retroactive designation" that is not required for priority under the 37 CFR 1.78(a)(2)(i), 35 U.S.C. 120, or the Paris Convention. However, as discussed above and in the MPEP, the statement regarding the relationship of the applications is required under 37 CFR 1.78 and 35 U.S.C. 120. As for the Paris Convention, applicant's reference is misplaced. The benefit claim at issue here is a domestic benefit claim, not a foreign priority claim, and it therefore is not governed by the Paris Convention. Moreover, the PCT expressly states that where, as here, an international application contains a priority claim directed to an earlier application filed in a Contracting State, "the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State." See PCT Article 8(2)(b). Thus, it is consistent with the PCT for the United States to require an international application that claims priority to an earlier U.S. application to be amended, upon entry into the national stage in the United States, so as to make the priority claim compliant with the applicable U.S. national law under which such claim will be governed.

In view of the above, and as set forth in the previous decision, applicant herein did not timely submit an acceptable priority claim under 35 U.S.C. 120 and 37 CFR 1.78 directed to U.S. application 11/654,380. Entry of such a claim at the present time requires a grantable petition under 37 CFR 1.78(a)(3).

2. Petition Under 37 CFR 1.78

The present submission includes an alternative petition under 37 CFR 1.78(a)(3). Pursuant to the authorization included in the petition, Deposit Account No. 18-1579 will be charged the required $1,410 surcharge.

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

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

The present petition fails to satisfy item (1) above.

The petition indicates that a "Preliminary Amendment and Supplemental Application Data Sheet identifying PCT/US08/5111 as a Continuation Application Of US 11/654,380 are submitted herewith." However, the application file does not include the amendment or the

supplemental ADS, nor are such materials listed on the Electronic Acknowledgement Receipt. The required reference to the prior-filed U.S. application has therefore not been provided.

It is noted that the preliminary amendment filed with the original national stage materials stated that the contents of U.S. application 11/654,380 were "incorporated herein by reference" in their entirety. Because the international application as filed did not include an incorporation by reference statement directed to U.S. application 11/654,380, the addition of such a statement in the present national stage application is improper. See MPEP section 201.06(c)(IV):

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

In view of the above, any subsequently submitted amendment seeking to add a proper benefit claim directed to U.S. application 11/654,380 should not include an indication that U.S. application 11/654,380 has been incorporated herein by reference.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

The petition under 37 CFR 1.78(a)(3) is **DIMISSED** without prejudice.

An y renewed petition under 37 CFR 1.78(a)(3) must be accompanied by an acceptable substitute amendment (or ADS) containing a proper reference to U.S. application 11/654,380, as discussed above and in the MPEP. No additional petition fee is required.

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

/RichardMRoss/

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

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PCT LEGAL ADMINISTRATION

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

In re Application of: WINTER, Rick
U.S. Application No.: 12/523,146
PCT No.: PCT/US2008/051111
International Filing Date: 16 January 2008
Priority Date: 16 January 2007
Attorney Docket No.: 095981
For: ELECTROCHEMICAL ENERGY CELL SYSTEM

DECISION

In a decision mailed on 21 October 2010, applicant's original petition under 37 CFR 1.78(a)(3) was dismissed for failure to satisfy all the requirements of a grantable petition. Specifically, the petition was not accompanied by the required amendment (and/or ADS) adding to the present application an acceptable priority reference identifying the application as a continuation of prior-filed U.S. application number 11/654,380.

On 02 November 2010, applicant filed the "Renewed Petition Under 37 CFR 1.78(a)(3) To Correct Priority Claim" considered herein. The renewed petition was accompanied by a "Second Preliminary Amendment Under 37 CFR 1.115" (and supplemental ADS). The amendment identifies the present application as the "National Stage of PCT/US2008/051111, filed January 16, 2008, which is a continuation of United States application 11/654,380, filed January 16, 2007." The domestic priority information in the supplemental ADS is consistent with this amendment. In view of the present amendment and the acceptable priority reference contained therein, applicant has now satisfied the final outstanding requirement for a grantable petition under 37 CFR 1.78(a)(3) to add a delayed domestic benefit claim under 35 U.S.C. 120 directed to U.S. application 11/654,380.

Based on the above, the renewed petition is appropriately **GRANTED**

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

in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim directed to U.S. application number 11/654,380 accompanies this decision on petition.

Any questions concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/RichardMRoss/

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

ATTACHMENT: Corrected Filing Receipt

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 9598-104	Application Number (if known): 12/523,146	Filing date: 07/14/2009
First Named Inventor: Rick WINTER		
Title: ELECTROCHEMICAL ENERGY CELL SYSTEM		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Third Preliminary Amendment Under 37 CFR 1.115

Signature Leon Radomsky	Date 1-25-11
Name (Print/Typed) Leon Radomsky	Registration Number 43,445

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

☐ *Total of _____ forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Rick WINTER

Group Art Unit: 1727

Serial No. 12/523,146

Examiner: M. Laios

Filed: July 14, 2009

Confirmation No. 6894

Docket No. 9598-104

For: ELECTROCHEMICAL ENERGY CELL SYSTEM

STATEMENT REGARDING PUBLICATION OF APPLICATION AND THE ELIGIBILITY REQUIREMENT

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

Sir:

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

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

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

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

Respectfully submitted,

Date: January 25, 2011

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/523,146	07/14/2009	Rick Winter	9598-104	6894

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

EXAMINER
LAIOS, MARIA J

ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

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

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

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

ptonotices@marburylaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

2/7/2011

In re Application of	:	
Rick Winter	:	DECISION ON PETITION
Application No. 12/523,146	:	TO MAKE SPECIAL UNDER
Filed: July 14, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 9598-104	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 25, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

Attorney Docket No. P23412-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Göran Rune, et al.	§	Group Art Unit:	2465
		§		
Application No:	12/523,147	§	Examiner:	Jayanti K. Patel
		§		
Filed:	July 14, 2009	§	Confirmation No.	6903

FOR: METHOD AND ARRANGEMENTS FOR CIRCUIT SWITCHED SERVICES IN COMMUNICATION NETWORKS

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **December 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. 12/097,750 (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. 12/097,750

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:	9146862
Application Number:	12097750
International Application Number:	
Confirmation Number:	3048
Title of Invention:	METHOD AND DEVICE FOR COMMUNICATING A SIGNAL
First Named Inventor/Applicant Name:	Jacobus Cornelis Haartsen
Customer Number:	27045
Filer:	Steven Ware Smith/Todd Cason
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P21001-US2
Receipt Date:	31-DEC-2010
Filing Date:	18-SEP-2008
Time Stamp:	17:21:04
Application Type:	U.S. National Stage under 35 USC 371

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	P21001-RequestFile.pdf	25003 2cbd7d54a92fd80428d5b7416c9126805b6f4323	no	2

Warnings:

Information:

Total Files Size (in bytes):	25003

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. P21001-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Jacobus Haartsen, et al.	§	Group Art Unit:	2473
		§		
Application No:	12/097,750	§	Examiner:	Kwang Bin Yao
		§		
Filed:	June 16, 2008	§	Confirmation No.	3048

FOR: METHOD AND DEVICE FOR COMMUNICATING A SIGNAL

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. 12/097,750 (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. 12/523,147.

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

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United States Patent and Trademark Office
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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	:	
RUNE, et al.	:	DECISION ON PETITION
Application No. 12/523,147	:	TO MAKE SPECIAL
Filed: July 14, 2009	:	37 CFR 1.102
Attorney Docket No. **P23412-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

2 7 AUG 2010

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United States Patent and Trademark Office
P.O. Box 1450
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SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

In re Application of	:	
JONES et al.	:	
Application No.: 12/523,179	:	DECISION
PCT No.: PCT/GB2008/050051	:	
Int. Filing Date: 25 January 2008	:	
Priority Date: 26 January 2007	:	
Attorney's Docket No.: 101.0250	:	
For: DETECTING PARTICULATE	:	
CONTAMINANTS IN A FLUID	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 25 June 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 January 2008, applicants filed international application PCT/GB2008/050051, which designated the U.S. and claimed a priority date of 26 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 31 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 July 2009 (26 July 2009 being a Sunday).

On 15 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 14 October 2009, the USPTO issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 25 June 2010, applicants filed a submission including, *inter alia*, a petition under 37 CFR 1.137(b) and a declaration of inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Item (1) has been satisfied.

As to item (2), applicant submitted the petition fee on 25 June 2010.

As to item (3), the required statement has been provided.

Declaration of Inventors

The declaration of inventors filed 25 June 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

Doc Code: PET.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	12523184
Filing Date	21-Jan-2010
First Named Inventor	Thomas Maliszewski
Art Unit	1775
Examiner Name	CHANTEL GRAHAM
Attorney Docket Number	GEIN-105
Title	BIODIESEL PRODUCTION WITH REDUCED WATER EMISSIONS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 42419

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

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Thomas A. Maliszewski
Address	21 Brittany Woods
City	Charleston
State	WV
Postal Code	25314

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Nick C. Kottis/
Name	Nick C. Kottis
Registration Number	31974

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 7, 2012

In re Application of :

Thomas Maliszewski

Application No : 12523184

Filed : 21-Jan-2010

Attorney Docket No : GEIN-105

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

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

The request is **APPROVED.**

The request was signed by Nick C. Kottis (registration no. 31974) on behalf of all attorneys/agents associated with Customer Number 42419 . All attorneys/agents associated with Cusotmer Number 42419 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	Thomas A. Maliszewski
Name2	
Address 1	21 Brittany Woods
Address 2	
City	Charleston
State	WV
Postal Code	25314
Country	US

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

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

Office of Petitions

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

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MAR 04 2011
PCT LEGAL ADMINISTRATION

In re Application of SCHNEEGANS	:	
U.S. Application No.: 12/523,248	:	
PCT Application No.: PCT/EP2008/000227	:	DECISION
Int. Filing Date: 14 January 2008	:	
Priority Date Claimed: 15 January 2007	:	
Attorney Docket No.: SSM-831US	:	
For: SHEET-METAL COMPOSITE, METHOD FOR JOINING SHEETS AND JOINING DEVICE	:	

This is in response to applicant's petition under 37 CFR 1.182 filed on 21 January 2011.

BACKGROUND

On 14 January 2008, applicant filed international application PCT/EP2008/000227, which claimed priority of an earlier Germany application filed 15 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 27 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 15 July 2009.

On 15 July 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). Although the submission included an application data sheet which identified the international application number as "PCT/EP2008/000227", the EFS-Web electronic acknowledgement receipt indicates that applicant entered "PCT/US08/00227" as the international application number in the EFS-Web user interface.

On 22 September 2010, this Office mailed a communication which identified the above-noted discrepancy.

On 21 January 2011, applicant filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant mistakenly entered the incorrect international application number into the EFS-Web user interface. Because the correct international application number was present on at least one of the papers filed with the initial national stage

submission, correction of the application is permitted. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

Application 12/523,248 will be processed as the national stage of PCT/EP2008/000227.

The application has an International Filing Date under 35 U.S.C. 363 of 14 January 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 September 2009.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
FEB 09 2011
OFFICE OF PETITIONS

Applicant: Merchiers, et al.
Appl. No.: 12/523,256
International Filing Date: February 21, 2008
Title: AMINO ACID SEQUENCES DIRECTED AGAINST VASCULAR ENDOTHELIAL GROWTH FACTOR AND POLYPEPTIDES COMPRISING THE SAME FOR THE TREATMENT OF CONDITIONS AND DISEASES CHARACTERIZED BY EXCESSIVE AND/OR PATHOLOGICAL ANGIOGENESIS OR NEOVASULARIZATION
Attorney Docket No.: A0848.70047US02
Pub. No.: US 2010/0120681 A1
Pub. Date: May 13, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 9, 2010, for the above-identified application.

The request is granted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
FEB 01 2011
OFFICE OF PETITIONS

Applicant: Chambers, et al.
Appl. No.: 12/523,293
International Filing Date: January 15, 2008
Title: METHOD AND SYSTEM FOR ANALYSING A DOSE FORMULATION OF A METERED DOSE DEVICE
Attorney Docket No.: 11285.0031-00000
Pub. No.: US 2010/0065739 A1
Pub. Date: March 18, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 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.

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

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

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 3 SEP 2010

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

In re Application of	:	
LEE et al.	:	
Application No.: 12/523,309	:	DECISION
PCT No.: PCT/US2008/051083	:	
Int. Filing Date: 15 January 2008	:	
Priority Date: 16 January 2007	:	
Attorney Docket No.: T126 1030US	:	
For: HUMAN ERYTHROVIRUS	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 24 August 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 15 January 2008, applicants filed international application PCT/US2008/051083, which designated the United States and claimed a priority date of 16 January 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 24 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 July 2009.

On 15 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 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.

On 13 April 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time and a petition under 37 CFR 1.47(a).

On 28 April 2010, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and a filing receipt.

On 24 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided. The decision also vacated the NOTICE OF ACCEPTANCE mailed 28 April 2010 because it was sent in error.

On 24 August 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, statement of facts by Eugenia Shaw with documentary evidence in support thereof and a statement of facts by Alireza Behrooz with documentary evidence in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (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 June 2010, items (1), (3), and (4) have been met.

Item (2) has now been met as well. The statement of fact by Alireza Behrooz with the documentary evidence in support thereof establishes that non-signing inventor Chris Glenn could not be reached after diligent effort.

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 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 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 **13 April 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

1 3 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Chris Glenn
104 Braxton Village Way
Holly Springs, NC 27540

In re Application of
LEE et al.
Application No.: 12/523,309
PCT No.: PCT/US2008/051083
Int. Filing Date: 15 January 2008
Priority Date: 16 January 2007
Attorney Docket No.: T126 1030US
For: HUMAN ERYTHROVIRUS

Dear Mr. Glenn:

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

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

1 5 SEP 2010

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Dann, Dorfman, Herrell & Skillman
1601 Market Street
Suite 2400
Philadelphia, PA 19103-2307

In re Application of: TAYLOR et al. Application No.: 12/523,342 PCT No.: PCT/GB2008/000178 Int. Filing Date: 18 January 2008 Priority Date: 18 January 2007 Attorney Docket No.: 0046-P04880US00 For: POLYNUCLEOTIDES AND USES THEREOF	DECISION ON REFUND REQUEST

This decision is issued in response to applicants' "Petition for Refund" filed 25 May 2010. No petition fee is required. The petition fee submitted with the present petition has been refunded to Deposit Account no. 04-1406.

BACKGROUND

On 16 July 2009, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, among other materials: (1) the basic national fee of $330, the examination fee of $220, search fee of $430, and $52 as the fee for inclusion of one extra claim; (2) a copy of the international application; and (3) a preliminary amendment which amended the claims so as to remove some claims and eliminate multiple dependent claims (the amended application contained 21 total claims).

The transmittal letter expressly instructed the United States Designated/Elected Office (DO/EO/US) to charge any additional fees which may be required.

Applicants were subsequently charged $390 as the fee for inclusion of a multiple dependent claim and an additional $468 as the fee for total claims in excess of twenty. The charges were based on the international application as filed which included 30 claims.

On 30 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 that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 15 October 2009, applicants filed a response to the Notification Of Missing

Requirements. This response was accompanied by an executed declaration of the inventors and a second preliminary amendment which amended the claims to 21 total claims and cancelled claims 22-30.

On 25 May 2010, applicant filed the present "Petition for Refund."

DISCUSSION

Applicants request a refund of $806, in that, a preliminary amendment was filed on 16 July 2009 amending the claims count to 21 total claims. The preliminary amendment filed on 16 July 2009 did not correspond to the claims as amended under PCT Article 34. Specifically, the preliminary amendment referred to 21 claim, whereas, the PCT Article 34 amendments referred to 26 claims. Applicants failed to provide instructions regarding claims 22-26 (or 22-30 in the international application). As a result, the preliminary amendment was not considered for purpose of determining the fees due. Rather, the claims as filed in the international application were used for fee calculation purposes. There are thirty claims, including one multiple dependent claims, in the claims as filed in the international application. Accordingly, the fees due were as follows: $390 as the fee for inclusion of a multiple dependent claim and $468 as the fee for total claims in excess of twenty ($52 had been previously submitted).

It is noted that the response to the 30 September 2009 Notification of Missing Requirements was accompanied by a Second Preliminary Amendment specifically directed to the original 30 claims. However, applicants are not entitled to a refund of fees based thereon. See MPEP § 1893.01(c) (emphasis added):

> A preliminary amendment accompanying the initial national stage submission under 35 U.SC. 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). **A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid.**

Based on the above, the fees due in this national stage application are properly calculated based on 30 claims included in the international application. A review of the fees charged herein confirms that the $390 multiple dependent claim fee and $520 as the fee for total claims in excess of twenty.

The request for a refund of these fees is therefore appropriately dismissed.

CONCLUSION

The request for refund filed 25 May 2010 is DISMISSED without prejudice.

Any request for reconsideration on the merits of this decision must be filed within **TWO (2) MONTHS** from the mailing date of this decision, indicated above. Any such request should include a cover sheet entitled "Renewed Refund Request" and must include a proper showing that the claims herein were effectively amended by applicants prior to the USPTO's charging of the required fees.

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
www.uspto.gov

BARLEY SNYDER, LLC
1000 WESTLAKES DRIVE, SUITE 275
BERWYN, PA 19312

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Application of :
Miguel Furio et al :
Application No. 12/523,354 : ON PETITION
Filed: July 16, 2009 :
Attorney Docket No. 21334-1919 (E-GI-00297US)

This is a decision on the petition, filed February 18, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **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 21, 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 2839 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).

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	12523355	Filing date:	July 16, 2009
First Named Inventor:	Keith Blenkinsopp		
Title of the Invention:	Shellfish Positioning And Opening Apparatus		

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

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

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/NZ2008/000002

The international filing date of the corresponding PCT application(s) is/are: January 15, 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 IPAU AND THE USPTO

(continued)

Application No.:	12/523,355
First Named Inventor:	Keith Blenkinsopp

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 25, 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 25, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-7	1-7	Original
8	8	Amended to correct typographical error
9-10	9-10	Original
11	11	Amended to correct formatting
12-13	12-13	Cancelled

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. Nemazi	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.

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 MCG/181200WO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. **PCT/NZ2008/000002**	International filing date *(day/month/year)* 15 January 2008	Priority date *(day/month/year)* 16 January 2007
International Patent Classification (IPC) or national classification and IPC Int. Cl. *A22C 29/04* (2006.01) *A22C 29/02* (2006.01)		
Applicant SANFORD LIMITED et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. [X] *(sent to the applicant and to the International Bureau)* a total of 4 sheets, as follows:
      - [X] sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - [ ] sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. [ ] *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

[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

Date of submission of the demand 22 August 2008	Date of completion of this report 05 January 2009
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	Authorized Officer **RITESH THATTE** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 2645

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NZ2008/000002

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 (under Rules 12.3(a) and 23.1 (b))

[ ] publication of the international application (under Rule 12.4(a))

[ ] international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

[ ] the international application as originally filed/furnished

[X] the description:

pages **1 and 3-33** as originally filed/furnished
pages* **2** received by this Authority on **22 August 2008** with the letter of Article 19
pages* received by this Authority on with the letter of

[X] the claims:

pages as originally filed/furnished
pages* as amended (together with any statement) under Article 34
pages* **31-33** received by this Authority on **22 August 2008** with the letter of Article 19
pages* received by this Authority on with the letter of

[X] the drawings:

pages **1-32** as originally filed/furnished
pages* received by this Authority on with the letter of
pages* received by this Authority on with the letter of

[ ] a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. [ ] The amendments have resulted in the cancellation of:

[ ] the description, pages
[ ] the claims, Nos.
[ ] the drawings, sheets/figs
[ ] the sequence listing *(specify)*:
[ ] any table(s) related to the sequence listing *(specify)*:

4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

[ ] the description, pages
[ ] the claims, Nos.
[ ] the drawings, sheets/figs
[ ] the sequence listing *(specify)*:
[ ] any table(s) related to the sequence listing *(specify)*:

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

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NZ2008/000002

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 **1-13**	**YES**
	Claims **NONE**	**NO**
Inventive step (IS)	Claims **1-13**	**YES**
	Claims **NONE**	**NO**
Industrial applicability (IA)	Claims **1-13**	**YES**
	Claims **NONE**	**NO**

2. Citations and explanations (Rule 70.7)

D1: WO 1998042197
D2: US 6110032
D3 WO 1999031992
D4: JP 11285345
D5: JP 08289718

NOVELTY & INVENTIVE STEP (N & IS)
Claims 1-13 meet the criteria set forth in PCT Article 33(2) for novelty. The prior art published before the priority date does not disclose all the features of independent claims 1 and 11, rendering claims 1-13 novel.

Claims 1 and 11 meet the requirements of Article 33(3) of the PCT with regard to inventive step because the prior art does not obviously suggest to a person skilled in the art the use of 'parallel rollers to rotatably form a single row of semi upright or on-edge oriented shellfish', which renders claim 1 and subsequent dependent claims 2-10 inventive.

INDUSTRIAL APPLICABILITY (IA)
Claims 1-13 clearly meet the criteria set out under Article 22(4) of the PCT with regard to Industrial Applicability.

PCT/NZ2008/000002
Received 22 August 2008

Object of Invention

It is an object of the invention to provide shellfish positioning and opening apparatus and method that ameliorates some of the disadvantages and limitations of the known art or at least provide the public with a useful choice.

Summary of Invention

In a first aspect the invention resides in a shellfish positioning and opening apparatus having at least one processing lane whereby the apparatus including the following stations of an in-feed and singulation station followed by a reorientation assembly station utilizing a vision system and a holding and opening assembly station whereby said stations are operatively connected in that order together to receive shellfish having meat therein to position said shellfish according to their shape and orientation to enable shellfish to be halved so that one shellfish half has the shellfish meat thereon wherein the in-feed and singulation station includes a pair of parallel rollers to rotatably form a single row of semi upright or on-edge oriented shellfish.

Preferably the in-feed and singulation station includes a hopper operatively connected to a scroll feeding mechanism and then to a trough which feeds the shellfish to the pair of parallel rollers to rotatably form a single row of semi upright or on-edge oriented shellfish.

Preferably apparatus includes a conveyor which operatively takes each shellfish from station to station.

Preferably the reorientation assembly is adapted to reorient the position of a singulated shellfish by movement in four different axes of direction whereby each shellfish is clamped, vertically lifted and held and then rotated about the vertical and/or horizontal axis wherein the reorientation assembly includes a support means and a vertically slidably clamping assembly which such clamping can also be rotated horizontally to reorient each shellfish such that keel and point are properly oriented.

Preferably a vertical alignment device is located procedurally after the reorientation assembly so the device is lowered to be in front of the shellfish to ensure that the shellfish are aligned in the vertical plane.

PCT/NZ2008/000002
Received 22 August 2008

What we claim is:

1. A shellfish positioning and opening apparatus having at least one processing lane whereby the apparatus including the following stations of an in-feed and singulation station followed by a reorientation assembly station utilizing a vision system and a holding and opening assembly station whereby said stations are operatively connected in that order together to receive shellfish having meat therein to position said shellfish according to their shape and orientation to enable shellfish to be halved so that one shellfish half has the shellfish meat thereon, wherein the in-feed and singulation station includes a pair of parallel rollers to rotatably form a single row of semi upright or on-edge oriented shellfish.

2. The apparatus of claim 1 wherein the in-feed and singulation station includes a hopper operatively connected to a scroll feeding mechanism and then to a trough which feeds the shellfish to the pair of parallel rollers to rotatably form a single row of semi upright or on-edge oriented shellfish.

3. The apparatus of claim 2 wherein the apparatus includes a conveyor which operatively takes each shellfish from station to station.

4. The apparatus of claim 3 wherein the reorientation assembly is adapted to reorient the position of a singulated shellfish by movement in four different axes of direction whereby each shellfish is clamped, vertically lifted and held and then rotated wherein the reorientation assembly includes a support means and a vertically slidably clamping assembly which such clamping can also be rotated about a horizontal and vertical axis to reorient each shellfish such that keel and point are properly oriented.

5. The apparatus of claim 4 wherein a vertical alignment device is located procedurally after the reorientation assembly so the device is lowered to be in front of the shellfish to ensure they are aligned in the vertical plane.

6. The apparatus of claim 5 wherein a primary ejector being located between the vision system and the reorientation assembly can eject any shellfish from the conveyor which do

not meet any predetermined position wherein the ejector comprises pneumatically operated piston controlled by a controller.

7. The apparatus of claim 6 wherein a secondary ejector being located between the reorientation assembly and the vertical alignment device also eject any shellfish wrongly positioned to allow any vertical alignment by the vertical alignment device wherein the ejector comprises pneumatically operated piston controlled by a controller.

8. The apparatus of claim 7 wherein various sensors are operatively located with respect to all station components such as scroll feeder sensor, two singulation sensors, presence sensor in before vertical alignment assembly and in lifting assembly(loader), single vacuum sensor, and reed switch on cylinder

9. The apparatus of claim 8 wherein a lifting or loader assembly which is located after the re-orientation assembly includes a cradle slidably supported by a support which in use locates the shellfish in a general vertical plane which is vertically raised to allow the holding & opening assembly to operate.

10. The apparatus of claim 9 wherein the holding and opening assembly operatively includes a support means, slidable vacuum cup assembly and hinge breaker which is adapted to grab a shellfish from the loader to hold it against the hinge breaker, apply a vacuum to create a gape whereby a knife assembly slidably operates to cut the meat from one shellfish half and then the cups move apart to break the hinge.

11. A method of shellfish positioning and opening wherein a shellfish positioning and opening apparatus is provided having at least one processing lane whereby the apparatus including the following stations of an in-feed and singulation station followed by a reorientation assembly station utilizing a vision system and a holding and opening assembly station whereby said stations are operatively connected in that order together to receive shellfish having meat therein to position said shellfish according to their shape and orientation to enable shellfish to be halved so that one shellfish half has the shellfish meat thereon, the in-feed and singulation station includes a hopper operatively connected to a scroll feeding mechanism and then to a trough which feeds the shellfish to a pair of parallel

rollers to rotatably form a single row of semi upright or on-edge oriented shellfish, a vertical alignment device is located procedurally after the reorientation assembly so the device is lowered to be in front of the shellfish to ensure they are aligned in the vertical plane, the holding and opening assembly operatively includes a support means, slidable vacuum cup assembly and hinge breaker which is adapted to grab a shellfish from the loader to hold it against the hinge breaker, apply a vacuum to create a gape whereby a knife assembly slidably operates to cut the meat from one shellfish half and then the cups move apart to break the hinge, the method includes the following steps of processing at least one shellfish as located on a conveyor between said stations :

-singulating the shellfish by adjusting the feeding therein leading to the rotating rollers;
-applying vision system to determine and compare orientation of shellfish;
-reorienting each shellfish so that the shellfish is pointing in the right direction;
-abutting said shellfish to the vertical alignment device to cause said shellfish to be substantially vertical and;
-loading shellfish onto lifting assembly to lift said shellfish to allow the holding and opening assembly to hold it against the hinge breaker, apply a vacuum to create a gape whereby the knife assembly slidably operates to cut the meat from one shellfish half and then the cups move apart to break the hinge.

12. A shellfish positioning and opening apparatus substantially as herein defined with reference to the accompanying drawings.

13. A method of shellfish positioning and opening substantially as herein defined with reference to the accompanying drawings.

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/523,355	07/16/2009	Keith Blenkinsopp	PIP0136PUSA	9160

22045 7590 05/16/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
05/16/2011	PAPER

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

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

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re application of Blenkinsopp et al. Application No. 12/523,355 Filed: July 16, 2009 For: SHELLFISH POSITIONING AND OPENING 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 April 18, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 05/16/11

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.
12/523,370	07/16/2009	Keisuke Kishita	04853.0203-00000	9313

22852 7590 10/26/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
WILLIAMS, HEZRON

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
10/26/2011	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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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of
KISHITA et al.
Application No.: 12/523,370
Filed: July 16, 2009
Attorney Docket No.: 04853.0203-00000

: 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 July 16, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

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

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

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

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

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

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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

APR 29 2011

PCT LEGAL ADMINISTRATION

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of ALBERGHETTI et al.	:	DECISION ON
Application No.: 12/523,403	:	
PCT No.: PCT/EP07/10468	:	PETITIONS UNDER
Int. Filing Date: 03 December 2007	:	
Priority Date: 25 January 2007	:	37 CFR 1.137(b), 1.182 and 1.42
Attorney Docket No: ABE-45576	:	
For: FOOD COOLING APPLIANCE	:	

This is a decision on applicant's petition to revive under 37 CFR 1.137(b), which was filed in the United States Patent and Trademark Office on 22 February 2011 in the above-captioned application. This decision is also responsive to applicant's petition under 37 CFR 1.182 to correct inventor JONZON's last name to BERGENDAHL and to applicant's petition under 37 CFR 1.42.

BACKGROUND

On 03 December 2007, applicant filed international application PCT/EP07/10468 which claimed a priority date of 25 January 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying a basic national fee in the United States expired at midnight on 25 July 2009.

On 16 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by the basic national fee. The application papers were assigned U.S. serial number 12/523,403.

On 02 December 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required. Applicant was advised that the time period which in to respond to the Notification was two (2) months, with extensions of time available.

On 2 March 2010, applicant filed a response including Petitions under 37 CFR 1.47(a), 1.182 and 1.42. On 06 April 2010, a decision was mailed to applicant, dismissing as moot the petition under 37 CFR 1.47(a), and dismissing the petition under 37 CFR 1.182 and 1.42.

On 15 November 2010, a Notification of Abandonment was mailed to applicant, indicating that applicant failed to respond to the Notification of Missing Requirements within the time period set therein.

On 22 February 2011, applicant filed petition to revive under 37 CFR 1.137(b), along with renewed petitions under 37 CFR 1.182 and 1.42.

DISCUSSION

Petition under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) must be filed promptly after the date on which the application became abandoned. Such a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law, and (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional".

Item (1) is satisfied as applicant provided a response to the Notification of Missing Requirements, that is, declarations in compliance with 37 CFR 1.497(a) and (b). Thus, the proper reply was made. With regard to Item (2), the payment of the petition fee in the amount of $1620 was made. Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137. The petition under 37 CFR 1.137(b) is **GRANTED**.

Petition under 37 CFR 1.182

Applicant filed a renewed petition under 37 CFR 1.182 to correct the inventor's name from Magnus Jonzon to Magnus Bergendahl. The declaration, filed on 22 February 2011, was signed by "Magnus Bergendahl". Applicant submits the statement of the inventor indicating that he changed his name upon his marriage. The requisite petition fee of $400 was previously paid. Applicant's petition under 37 CFR 1.182 is **GRANTED**. The declaration, which accompanied the petition and is executed by Magnus Bergendahl, is acceptable and meets the requirements of 37 CFR 1.497(a) and (b).

Petition under 37 CFR 1.42

With regard to applicant's petition under 37 CFR 1.42, a newly executed declaration, which identifies the legal representatives of the deceased inventor along with their respective citizenship, residency and mailing address, was provided and is acceptable. The declaration meets the requirements of 37 CFR 1.497(a) and (b). Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

CONCLUSION

For the reasons set forth above, the "Petition for Revival of An Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" is **GRANTED.**

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

Applicant's 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 22 February 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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.
12/523,480	09/03/2009	Hiroyuki Ishii	17401/175001	1085

22511 7590 08/04/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	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):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: ISHII, HIROYUKI et al.
Application No. 12/523,480
Filed: September 3, 2009
For: BASE STATION APPARATUS AND COMMUNICATIONS CONTROL METHOD

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

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

The petition is **GRANTED.**

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

(1) The U.S. application must 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) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

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

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

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

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

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

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

02101
SUNSTEIN KANN MURPHY & TIMBERS LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of
SCHENK *et al*
Application No.: 12/523,525
PCT No.: PCT/EP2008/050528
Int. Filing Date: 17 January 2008
Priority Date: 17 January 2007
Attorney Docket No.: 3059H/129
For: METHOD OF JOINING A THERMOPLASTIC MATERIAL TO A FIBRE COMPOSITE MATERIAL

DECISION

This decision is in response to the "Petition for Change in Name of Inventor" filed 29 April 2010. These papers are treated as a renewed petition under 37 CFR 1.182.

BACKGROUND

On 01 March 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 29 April 2010, applicants filed the subject response which was accompanied by, *inter alia*, an affidavit of the inventor whose name is being changed and a copy of a document in a foreign language.

DISCUSSION

As previously noted, MPEP § 605.04(c) 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.

In the original petition, applicants submitted the petition fee; however, applicants did not provide an affidavit signed by the inventor whose name had changed and the procedure whereby the change of name was effected, or a certified copy of the court order.

In the instant response, applicants provided an affidavit of the inventor setting forth both names as required. The affidavit also states that "[t]he procedure by which the name change was effected was : Inventor Sabine WLACH changed her name on August 06, 2009 to Sabine METZECH.

Applicants also provided a copy of a document in a foreign language without an accompanying English translation and state that the "[a]ttached documentation shows the procedure by which the change of name was affected.

This is not acceptable.

The statement in the affidavit does not address the question listed in the MPEP. Moreover, the Office will not accept documents in a foreign language without an accompanying English translation as acceptable evidence. Applicants must provide an English translation of the document used to show the name change of the inventor.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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02101
SUNSTEIN KANN MURPHY & TIMBERS LLP
125 Summer Street
Boston, MA 02110-1618

MAILED
NOV 23 2010
PCT LEGAL ADMINISTRATION

In re Application of
SCHENK *et al*
Application No.: 12/523,525
PCT No.: PCT/EP2008/050528
Int. Filing Date: 17 January 2008
Priority Date: 17 January 2007
Attorney Docket No.: 3059H/129
For: METHOD OF JOINING A THERMOPLASTIC MATERIAL TO A FIBRE COMPOSITE MATERIAL

DECISION

This decision is in response to the "Request for Reconsideration of Applicant's Petition for Change in Name of Inventor" filed 24 September 2010.

BACKGROUND

On 04 August 2010, a decision dismissing applicants' renewed petition under 37 CFR 1.182 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 24 September 2010, applicants filed the subject response which was accompanied by, *inter alia*, an affidavit of the inventor whose name is being changed, a supplemental ADS, and a copy of a certificate in a foreign language with an accompanying English translation.

DISCUSSION

MPEP § 605.04(c) 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.

The $400.00 petition fee had been previously paid. The affidavit signed by the inventor whose name had changed had also been previously submitted. In the subject response, applicants did provide an English translation of the certificate of change of last name of the inventor from the City of Delmenhorst showing that Sabine

WLACH changed her name on August 06, 2009 to Sabine METZECH.

This is sufficient for a grantable petition.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The declaration filed 18 November 2009 is now 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 17 January 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 November 2009.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey Phillips et al	:	DECISION REFUSING STATUS
Application No. 12/523,529	:	UNDER 37 CFR 1.47(a)
Filed: December 29, 2009	:	
Attorney Docket No. PWRGP033	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 29, 2009.

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lack item (2) set forth above.

As to item (2), the declaration is defective since it is not in compliance with 37 CFR 1.63. Since individual declarations were executed, they must be submitted as individual declarations rather that combined into one declaration. See MPEP 201.03 B states,

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

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

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

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

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

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

David Bucci
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

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NOV 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey Phillips et al	:	DECISION GRANTING STATUS
Application No. 12/523,529	:	UNDER 37 CFR 1.47(a)
Filed: December 29, 2009	:	
Attorney Docket No. PWRGP033	:	

This is a decision on the petition filed, September 9, 2010, requesting reconsideration of a decision mailed August 25, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Ru Jun Ma has refused to join in the filing of the above-identified application.

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

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors 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

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Alexandria, VA 22313-1450
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Ru Jun Ma
Unit 4, Block 11, No. 5 Nan Ta Road
Pei Cheng District
Mian Yang City
Sichuan 617300
China

In re Application of
Jeffrey Phillips; Samaresh Mohanta; Zhen Gang Fan; Ru Jun Ma; Feng Feng; Lou Uzel; Chi Yau; Jason Zhao; Zeiad M. Muntasser
Application No. 12/523,529
Filed: December 29, 2009
For: METALLIC ZINC-BASED CURRENT COLLECTOR

Dear Mr. Ma:

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

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

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Weaver Austin Villeneuve & Sampson LLP
P.O. Box 70250
Oakland, CA 94612-0250

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PWRGP033	Application Number (if known): 12/523,529	Filing date: July 16, 2009
First Named Inventor: Jeffrey Phillips, et al.		
Title: METALLIC ZINC-BASED CURRENT COLLECTOR		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date January 19, 2011
Name (Print/Typed) Brian D. Griedel	Registration Number 48,425

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

☐ *Total of ..... forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey Phillips, et al.	Docket No.: PWRGP033
Application No.: 12/523,529	Examiner: *to be assigned*
Filed: July 16, 2009	Art Unit: 1795
Title: METALLIC ZINC-BASED CURRENT COLLECTOR	Confirmation No.: 1484

CERTIFICATE OF EFS-WEB TRANSMISSION
I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on January 19, 2011.

Signed: _____/Kelly Simpson/_____
Kelly Simpson

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT FOR GREEN TECHNOLOGY PILOT PROGRAM (74 Fed. Reg. 64666)

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

Dear Sir/Madam:

This statement accompanies a Petition to Make Special Under the Green Technology Pilot Program (74 Fed. Reg. 64666). The subject patent application meets the following conditions of eligibility:

Basis for Special Status and Statement Pertaining to Materiality Standard

1. The claims of the subject patent application are directed to a single invention that materially contributes to renewable energy resources, energy use and conservation as well as greenhouse gas emission reduction. The invention is directed to rechargeable nickel-zinc battery technology developed as energy storage devices that deliver exceptionally high power in a safe, low cost, lightweight and reusable package.

2. The invention materially contributes to renewable energy resources, energy use and conservation because their high power output allows more efficient energy utilization and their rechargeability allows conservation of energy resources. With respect to energy conservation, the technology is particularly well suited for grid storage applications where the low cost per Watt and high round trip energy efficiency are highly valued.

3. The invention materially contributes to greenhouse gas emission reduction because the economics and high power delivery of the battery technology make it one of the most attractive candidates for inclusion in both full and micro (stop-start) hybrid electric vehicles. Testing has already demonstrated its ability to meet automotive specifications in both applications.

4. If the USPTO determines that the claims are directed to multiple inventions, Applicants agree to make an election without traverse in a telephonic interview, and to elect an invention that meets the eligibility requirements of the Green Technology Pilot Program.

5. The subject patent application is a non-reissue, non-reexamination, non-provisional utility application filed under 35 USC §111(a).

I declare that all statements made herein of my own knowledge are true; that all statements made on the information and behalf are believed to be true and further that these statements made with the knowledge that willful false statements are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
WEAVER AUSTIN VILLENEUVE & SAMPSON LLP

/Brian D. Griedel/
Brian D. Griedel
Reg. No. 48,425

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/523,529	12/29/2009	Jeffrey Phillips	PWRGP033	1484

22434 7590 02/01/2011
Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER
ECHELMEYER, ALIX ELIZABETH

ART UNIT	PAPER NUMBER
1729	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

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

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

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

USPTO@wavsip.com

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02/01/2011

Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of	:	
Phillips et al.	:	DECISION ON PETITION
Application No. 12/523,529	:	TO MAKE SPECIAL UNDER
Filed: 7/16/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **PWRGP033**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/19/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1729 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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27 SEP 2010

24280
CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110

In re Application of KEEGAN *et al* U.S. Application No.: 12/523,565 PCT No.: PCT/US2007/001328 Int. Filing Date: 19 January 2007 Priority Date: None Attorney Docket No.: 2007233-0112 For: METHODS FOR INCREASING LEVELS OF HUMAN FETAL HEMOGLOBIN	**DECISION**

This decision is in response to the request to withdraw as attorney of record and change of correspondence address filed on 19 May 2010 which is hereby **DISMISSED** as **MOOT** for the following reason:

As set forth in 37 CFR 1.36(b), a registered attorney or agent may withdraw, upon application to and approval by the Director, so long as sufficient time remains for an applicant to respond to any pending action.

In the present case, the request to withdraw is signed by John D. Lanza, on behalf of the attorneys associated with customer number 24280. Counsel was never appointed in the above application. As such, counsel cannot withdraw.

It is also noted that there is still no power of attorney filed in the subject application. Thus, the correspondence address remains associated with Customer Number 24280.[1]

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] A declaration was filed on 11 June 2010, but the correspondence address was not changed.

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0 4 AUG 2010

SMART & BIGGAR
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA ON K1P 5Y6 CA
CANADA

In re Application of	DECISION ON
STEER et al	
Application No.: 12/523,641	
PCT No.: PCT/EP2004/005961	PETITION UNDER
Int. Filing Date: 16 January 2008	
Priority Date: 18 January 2007	
Attorney's Docket No.: 05788.0415	37 CFR 1.47(a)
For: METHOD AND...	
WIRELESS SYSTEMS	

This decision is in response to petitioner's "RESPONSE TO NOTIFICATION OF MISSING ...UNDER 37 CFR 1.47" submitted on 08 June 2010, requesting the acceptance of the application without the signature of the co-inventor David STEER. Petitioner's deposit account has been charged the requisite $200 petition.

BACKGROUND

On 17 July 2009, applicants filed a 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). However, no executed declaration or oath was submitted at such time.

On 08 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) and the Notice, petitioner filed on 08 June 2010, a petition under 37 CFR 1.47(a), and an executed declaration without the signature of co-inventor David Steer.

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.

Petitioner has satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), the petition fee of $200.00 has been paid.

Regarding item (2), the averments of Joelle St. Louis is sufficient to support a finding that the nonsigning inventor, Mr. Steer refuses to sign because it is clear that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) via email on January 28, 2010 to the nonsigning inventor Mr. Steer and returned it signed on February 3, 2010 but the declaration was defective as alterations were made on it. A second email to re-execute the declaration was mailed on February 19, 2010 and Mr. Steer responded on February 22, 2010 indicating that he refuses to re-execute the declaration.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

David Steer
10 Cypress Court
Nepean, Ontario K2H 8Z8
CANADA

Regarding item (4), petitioner has provided a properly executed declaration withour the signature of co-inventor David Steer.

Consequently, at this time it can be concluded that Mr. Steer has refused to sign the required documents.

As a result, the petition satisfies all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** without prejudice.

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) 273-0459

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04 AUG 2010

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David Steer
10 Cypress Court
Nepean, Ontario K2H 8Z8
CANADA

In re Application of
STEER et al
Application No.: 12/523,641
PCT No.: PCT/EP2004/005961
Int. Filing Date: 16 January 2008
Priority Date: 18 January 2007
Attorney's Docket No.: 05788.0415
For: METHOD AND...
WIRELESS SYSTEMS

Dear: Steer

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

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P.O. BOX 2999, STATION D
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OTTAWA ON K1P 5Y6 CA
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/523,682	07/17/2009	Katsunori Makihara	091619-0294	1649

23524 7590 11/16/2010
FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER
MALSAWMA, LALRINFAMKIM HMAR

ART UNIT	PAPER NUMBER
2892	

MAIL DATE	DELIVERY MODE
11/16/2010	PAPER

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

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

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of
MAKIHARA **et al.**
Application No.: 12/523,682
Filed: 17 July 2009
Attorney Docket No.: 091619-0294
For: SEMICONDUCTOR MEMORY, SEMICONDUCTOR MEMORY SYSTEM USING THE SAME, AND METHOD FOR PRODUCING QUANTUM DOTS APPLIED TO SEMICONDUCTOR MEMORY

: 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 04 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

i. validly claims priority to an application filed in the JPO, or
ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800

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MAILED
MAR 31 2011
OFFICE OF PETITIONS

GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

Applicant: Akbarieh, et al.
Appl. No.: 12/523,686
International Filing Date: January 22, 2008
Title: PHARMACEUTICAL COMPOSITIONS COMPRISING NEBIVOLOL OR A NEBIVOLOL ANALOGUE
Attorney Docket No.: 86-09
Pub. No.: US 2010/0137424 A1
Pub. Date: June 3, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 3, 2010, for the above-identified application

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 error on the front page of the publication wherein two inventor 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. Such 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).

On February 23, 2010 a Filing Receipt was mailed by the Office, which listed only one inventor's name. To avoid this type of problem in the future applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

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

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

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

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

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

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/523,696	First Named Inventor:	Dae Won Lee

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
1	1, 2, 3, & 4	Sufficiently correspond
4-6	4-6	Sufficiently correspond
13-15	13-15	Sufficiently correspond
17	16-17	Sufficiently correspond

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the KIPO application.

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature /Harry S. Lee/	Date April 5. 2011
Name (Print/Typed) Harry S. Lee	Registration Number 56,814

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/523,696	First Named Inventor:	Dae Won Lee

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
1	1-4, 16 & 17	Sufficiently correspond
4-6	4-6	Sufficiently correspond
13-15	13-15	Sufficiently correspond
17	16 & 17	Sufficiently correspond

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the KIPO application.

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature /Harry S. Lee/	Date September 1, 2011
Name (Print/Typed) Harry S. Lee	Registration Number 56,814

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/523,696	First Named Inventor:	Dae Won Lee

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
1	1-4, 16 & 17	Sufficiently correspond
4-6	4-6	Sufficiently correspond
17	16 & 17	Sufficiently correspond

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the KIPO application.

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature /Harry S. Lee/	Date April 17, 2012
Name (Print/Typed) Harry S. Lee	Registration Number 56,814

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Daryl W. Schnurr
Miller Thomson LLP
Accelerator Building
295 Hagey Blvd., Suite 300
Waterloo, ON N2L 6R5 CANADA

In re Application of	:	
MERSWOLKE et al.	:	
Application No.: 12/523,702	:	DECISION ON
PCT No.: PCT/CA2008/000082	:	PETITION
Int. Filing Date: 17 January 2008	:	UNDER
Priority Date: 17 January 2007	:	37 CFR 1.47(a)
Attorney Docket No.: 058342.0030	:	and
For: MULTIPLE GENERATOR WIND TURBINE AND METHOD OF OPERATION THEREOF		37 CFR 1.137(b)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR Section 1.137(b)" filed 14 July 2010. Additionally, this decision is issued in response to applicants' petition under 37 CFR 1.47 to accept the application without the signature of joint-inventors, Martin Queckenstedt and Craig Harris previously filed 13 March 2010.

BACKGROUND

On 17 January 2008, applicants filed international application PCT/CA2008/000082. 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, 17 July 2009.

On 17 July 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 06 January 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 06 January 2010, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 05 February 2010, applicants' petition under 37 CFR 1.47 was not considered because it was not executed pursuant to 37 CFR.1.33(b).

On 18 March 2010, applicants filed "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and "Petition under 37 CFR Section 1.47(b)." In a decision dated 07 June 2010, applicants' petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a) were dismissed without prejudice.

On 14 July 2010, applicants filed the present petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b).

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: (i) the required reply, (ii) the petition fee required by law, (iii) 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 (iv) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (ii) - (iv) have been satisfied.

In order to comply with the proper response requirement of item (i) above for revival under 37 CFR 1.137(b), applicant submitted the present Petition Under 37 CFR 1.47(a). Under the present circumstances, in order for the response requirement, item (i) above, to be satisfied, the petition to accept the application without the signature of joint-inventors Martin Queckenstedt and Craig Harris must be grantable.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and have been satisfied..

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2) 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. Martin Queckenstedt

Here, the evidence submitted to demonstrate the refusal of Martin Queckenstedt to execute the application papers is contained in the statement of Elizabeth Richardson included in the 18 March 2010 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. Craig Harris

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 Craig Harris. The efforts to reach the nonsigning inventor have been outlined in the declaration of Elizabeth Richardson. However, the declaration

fails 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.

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. 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.

Regarding item (3), petitioner has not provided the last known address of the nonsigning inventors (Martin Queckenstedt and Craig Harris). Accordingly, item (3) is not satisfied.

As to Item (4), a review of the 18 March 2010 declaration reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains duplicate sheets of "Page 1 of 3." This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

Additionally, the declaration filed on 18 March 2010 is defective, in that, the declaration submitted includes alterations that have not been initialed and dated. The thrid inventor, Neil J. Nicholson, has not initialed and dated the corrections made to his mailing address. (See 37 CFR 1.52(c) and Manual of Patent Examining Procedure §605.04(a)). Item (4) is not satisfied.

For the above reasons, it would not be appropriate to accept this application without the signature of Martin Queckenstedt and Craig Harris at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice and the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

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FEB 15 2011

PCT LEGAL ADMINISTRATION

Daryl W Schnurr
Miller Thomson LLP
Accelerator Building
295 Hagey Blvd., Suite 300
Waterloo, ON N2L 6R5 CANADA

In re Application of
MERSWOLKE et al.
Application No.: 12/523,702
PCT No.: PCT/CA2008/000082
Int. Filing Date: 17 January 2008
Priority Date: 17 January 2007
Attorney Docket No.: 058342.0030
For: MULTIPLE GENERATOR WIND TURBINE AND METHOD OF OPERATION THEREOF

DECISION ON PETITION

This decision is issued in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 18 March 2010. Additionally, this decision is issued in response to applicants' petition under 37 CFR 1.47, filed 10 November 2010, to accept the application without the signature of joint-inventors, Martin Queckenstedt and Craig Harris.

The procedural background for this application is set forth in the Decision on Petition under 47 CFR 1.47(a) and 37 CFR 1.137(b) mailed by this Office on 10 September 2010.

For the reasons discussed below, the renewed petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b) are GRANTED.

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: (i) the required reply, unless previously filed; (ii) the petition fee required by law; (iii) 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 (iv) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). As to Item (iv), the terminal disclaimer is not required since this application was filed after 08 June 1995. Items (i) - (iv) have been met.

In order to comply with the proper response requirement of item (i) 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 joint-inventors Martin Queckenstedt and Craig Harris must be grantable.

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 inventors (Martin Queckenstedt and Craig Harris).

A review of the papers reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventors (Martin Queckenstedt and Craig Harris) refused to execute the application, stated the last known address of the non-signing inventor (Martin Queckenstedt and Craig Harris), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

The application will be given an international filing date of 17 January 2008 under 35 U.S.C. 363, and a date of **10 November 2010** under 35 U.S.C. 371(c).

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

A notice of the filing of the application under 37 CFR 1.47(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

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P.O. Box 1450
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FEB 15 2011

PCT LEGAL ADMINISTRATION

Martin Queckenstedt
39 Old Carriage Drive
Kitchener, Ontario N2P 1H5
Canada

In re Application of
MERSWOLKE et al.
Application No.: 12/523,702
PCT No.: PCT/CA2008/000082
Int. Filing Date: 17 January 2008
Priority Date: 17 January 2007
Attorney Docket No.: 058342.0030
For: MULTIPLE GENERATOR WIND TURBINE AND METHOD OF OPERATION THEREOF

Dear Martin Queckenstedt:

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:
Daryl W Schnurr
Miller Thomson LLP
Accelerator Building
295 Hagey Blvd., Suite 300
Waterloo, ON N2L 6R5 CANADA

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FEB 15 2011

PCT LEGAL ADMINISTRATION

Craig Harris
432 Galaxy Court
Sudbury, Ontario P3E 5K
Canada

In re Application of
MERSWOLKE et al.
Application No.: 12/523,702
PCT No.: PCT/CA2008/000082
Int. Filing Date: 17 January 2008
Priority Date: 17 January 2007
Attorney Docket No.: 058342.0030
For: MULTIPLE GENERATOR WIND TURBINE AND METHOD OF OPERATION THEREOF

Dear Craig Harris:

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:
Daryl W Schnurr
Miller Thomson LLP
Accelerator Building
295 Hagey Blvd., Suite 300
Waterloo, ON N2L 6R5 CANADA

2 8 SEP 2010

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ALEXANDRIA, VA 22313-1450
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EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of	:	DECISION ON
PETRI LARREA et al	:	
Application No.: 12/523,711	:	
PCT No.: PCT/ES08/00003	:	
Int. Filing Date: 04 January 2008	:	PETITION UNDER
Priority Date: 08 January 2007	:	
Attorney's Docket No.: 2353-14	:	
For: REVERSIBLE SYSTEM... PARTS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 17 July 2009.

BACKGROUND

On 04 January 2008, this international application was filed, claiming an earliest priority date of 08 January 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 08 July 2009. This international application became abandoned with respect to the United States at midnight on 08 July 2009 for failure to pay the required basic national fee.

On 17 July 2009, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

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

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

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.
12/523,715	02/16/2010	Hugh Semple Munro	41901	2013

23589 7590 10/21/2011
Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER
ORWIG, KEVIN S

ART UNIT	PAPER NUMBER
1611	

MAIL DATE	DELIVERY MODE
10/21/2011	PAPER

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

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

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OCT 2 1 2011

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS 66210

In re Application of:	:
Hugh S. Munro	:
Serial No.: 12/523,715	: PETITION DECISION
Filed: February 16, 2010	:
Attorney Docket No.: **41901**	

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

Petitioner requests that the Munro Declaration submitted on October 6, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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

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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.
12/523,717	03/26/2010	Hugh Semple Munro	41902	2098

23589 7590 10/19/2011
Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER
ORWIG, KEVIN S

ART UNIT	PAPER NUMBER
1611	

MAIL DATE	DELIVERY MODE
10/19/2011	PAPER

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

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

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OCT 19 2011

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS 66210

In re Application of:	:
Hugh S. Munro	:
Serial No.: 12/523,717	: PETITION DECISION
Filed: March 26, 2010	:
Attorney Docket No.: **41902**	

This is in response to the petition under 37 CFR § 1.59(b), filed October 7, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Munro Declaration submitted on October 7, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

MAILED
JAN 23 2012
OFFICE OF PETITIONS

In re Application of	:	
Kiju Kim	:	
Application No. 12/523,720	:	DECISION ON PETITION
Filed: July 17, 2009	:	
Attorney Docket No. 540068.401USPC	:	

This is a decision on the Petition to Expunge, filed December 14, 2011, which is being treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the petition under 37 CFR 1.48, filed on October 21, 2011, be expunged from the record. Petitioner requests that the petition under 37 CFR 1.48 to correct inventorship be expunged as it was filed unintentionally because under review it was discovered that the inventor to be added was not in fact a co-inventor.

Petitioner characterizes the petition under 37 CFR 1.48 as filed unintentionally. Expungement of papers filed unintentionally is discussed in MPEP 724.05(II). However, at the time the petition under 37 CFR 1.48 was filed, clearly applicants determined, erroneously or not, that a second inventor should be added. Therefore, that petition was intentionally filed and expungement is not the procedure for removing the 37 CFR 1.48 petition. Petitioner should file a petition to **withdraw** the 37 CFR 1.48 petition. This petition should be directed to the Director, Technology Center 2600.

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

Carl Friedman
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/523,739	07/20/2009	Thomas Paul Selby	BA9393USPCT	2447

7590 01/24/2011
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER
REESE, HEIDI L

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
01/24/2011	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.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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OCT 15 2010

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WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
HOCHMAN, et al.	:	DECISION ON PETITION
Application No.: 12/523,767	:	
PCT No.: PCT/IL2008/000117	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 27 January 2008	:	
Priority Date: 29 January 2007	:	
Atty. Docket No.: 85189-17000	:	
For: ANTIBODY CONJUGATES FOR CIRCUM-	:	
VENTING MULTI-DRUG RESISTANCE	:	

The petition to revive under 37 CFR 1.137(b) filed 10 September 2010 in the above-captioned application is hereby **DISMISSED AS MOOT** as follows:

Applicant's present petition indicates that the above-captioned application was abandoned for failure to provide a petition for a one-month extension of time from 20 March 2010 to 20 April 2010 so as to make the 12 April 2010 response timely. However, a review of the application file finds that applicant provided authorization to charge all necessary fees in both the PTO-1390 transmittal letter filed 20 July 2009 and the response of 12 April 2010. As such, payment of the appropriate extension of time fee was authorized and the application never abandoned.

The application has an international filing date of 27 January 2008 under 35 U.S.C. 363 and a date of **12 April 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington VA 22203

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MAR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of:
SATO et al.
Application No.: 12/523,772
PCT No.: PCT/JP2007/074637
Int. Filing Date: 21 December 2007
Priority Date: 19 January 2007
Attorney Docket No.: MNL-2018-2333
For: INTERIOR INFORMATION DISPLAY APPARATUS AND LIGHT IRRADIATION APPARATUS USED FOR THE SAME

DECISION ON REFUND REQUEST

This decision is issued in response to applicants' "Petition for Review by PCT Legal - Refund Request" filed 31 August 2010. No petition fee is required.

The request for refund filed 31 August 2010 is DISMISSED without prejudice.

Applicants are requesting a refund in the amount of $1,240 for the multiple dependent and total claims fees charged to Deposit Account no. 14-1140 on 20 July 2009. The present refund request states that a preliminary amendment was filed on 20 July 2009, which eliminated the multiplicity of the claims and that the multiple dependent claims fee is not required. A review of the application reveals that the 20 July 2009 preliminary amendment could not be entered because it failed to meet the requirements of 37 CFR 1.121(c). Specifically, the amended claims set forth in the preliminary amendment did not correspond to the claims listed in the (translation of) international application. See (but not limited to) claims 15, 21 through 24.

Additionally, applicants state that "since the perceived deficiencies in the Preliminary Amendment were a mere matter of form, applicant should have received a Notice of Non-Compliant Amendment (37 CFR 1.121) giving applicant a one month period during which the perceived informalities in the form of the amendment could have been corrected." For fee calculation purposes, the mailing of Notice of Non-Compliant Amendment (37 CFR 1.121) is not appropriate. Since the preliminary amendment was not in compliance with 37 CFR 1.121, the international application was used to calculate fees for the above-identified

application.[1] Further, a preliminary amendment accompanying the initial national stage submission under 35 U.SC. 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). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See Manual of Patent Examining Procedure § 1893.01(c).

Therefore, the request for a refund of these fees is appropriately dismissed.

Any request for reconsideration on the merits of this decision must be filed within TWO (2) MONTHS from the mailing date of this decision, indicated above. Any such request should include a cover sheet entitled "Renewed Refund Request."

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

[1]The 20 July 2009 transmittal letter expressly instructed the United States Designated/Elected Office (DO/EO/US) to charge any additional fees which may be required.

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

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of
OHGI et al.
Application No.: 12/523,814
Filed: July 22, 2009
Attorney Docket No.: 344714US0PCT
For: Polymer Electrolyte Membrane and Process for Preparation Therof, and Membrane –Electrode Assembly and Polymer Electrolyte Fuel Cell

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 15, 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 Kimberly Inabinet at 571-272-4618.

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

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

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	12/523,816	Filing date:	July 20, 2009
First Named Inventor:	Andrew Smith		
Title of the Invention:	MOBIL CONCENTRATION SYSTEM AND METHOD FOR MILK		

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/NZ2008/00003

The international filing date of the corresponding PCT application(s) is/are: January 17, 2008

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/523,816
First Named Inventor:	Andrew Smith

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 16, 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 October 16, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Amended to more clearly define the invention and remove reference numbers
2	2	Identical
3	3	Amended to further limit the claim and remove reference numbers
4	4	Amended to remove reference numbers
5	5	Amended to more clearly define the invention and remove reference numbers
6	6	Amended to correct the claim dependency
7	7	Amended to more clearly define the invention, correct claim dependency and remove reference numbers
8	8	Amended to more clearly define the invention, correct claim dependency and remove reference numbers
9	9	Amended to more clearly define the invention, correct claim dependency and remove reference numbers
10-14	10-14	Cancelled

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

Signature /John E. Nemazi/	Date March 24, 2011
Name (Print/Typed) John E. Nemazi	Registration Number 30,876

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.
12/523,816	07/20/2009	Andrew Smith	PIP0137PUSA	3016

22045 7590 05/23/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
GEORGE, PATRICIA ANN

ART UNIT	PAPER NUMBER
1789	

MAIL DATE	DELIVERY MODE
05/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 23 2011

CT

In re application of Andrew Smith Serial No. 12/523,816 Filed: July 20, 2009 For: MOBILE CONCENTRATION SYSTEM AND METHOD FOR MILK	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 24, 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, KIPO or IPAU;

(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:

4) All of 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).

Claim 7 of the PCT differs significantly from claim 7 of the present application. For example, claim 7 of the PCT requires "a small batch style operation for farms being far apart enough to allow for the processing of the milk at a lower collection rate", whereas these limitations are not found in present claim 7. Furthermore, claim 7 of the PCT describes a mobile concentration system (MCS) which includes "a single feed system and single filter system coupled to a vehicle holding tank", whereas claim 7 of the present application describes a MCS which includes a single module type A and single module type B coupled to at least one vehicle holding tank".

Similarly, claim 8 of the PCT requires that that the single pass operation be "medium size", whereas this limitation is not present in claim 8 of the present application. Furthermore, claim 8 of the PCT describes a system which includes "a vehicle, at least one feed system 104, and two or more filter systems 106", whereas claim 8 of the present application describes a system which includes a vehicle, at least one module type A, and two or more module type B".

Similarly, claim 9 of the PCT requires that that the single pass operation be "large scale", whereas this limitation is not present in claim 9 of the present application. Furthermore, claim 9 of the PCT describes a system which includes "at least one vehicle, two or more feed system 104, and two or more filter systems 106", whereas claim 9 of the present application describes a system which includes "at least one vehicle, two or more module type A, and two or more module type B".

While claim 7 -9 of the present application are not independent claims, claims 7 – 9 are each drawn to a method of operating the mobile concentration system (MCS) to form milk concentrate and waste water, whereas independent claim 1 is drawn to a mobile concentration system for milk, rather than a method.

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) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: Unknown

Andrew Smith

Examiner: Unknown

Serial No.: 12/523,816
(International Application No.: PCT/NZ2008/000003)

Filed: July 20, 2009
(International Filing Date: January 17, 2008)

For: A MOBILE CONCENTRATION SYSTEM AND METHOD FOR MILK

Attorney Docket No.: PIP0137PUSA

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

MAIL STOP PCT
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication mailed May 23, 2011, please amend the above-identified application as follows:

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.
12/523,816	07/20/2009	Andrew Smith	PIP0137PUSA	3016

22045 7590 06/16/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
GEORGE, PATRICIA ANN

ART UNIT	PAPER NUMBER
1789	

MAIL DATE	DELIVERY MODE
06/16/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 16 2011

CT

In re application of Andrew Smith Serial No. 12/523,816 Filed: July 20, 2009 For: MOBILE CONCENTRATION SYSTEM AND METHOD FOR MILK	: : : : : : :	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 June 14, 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, KIPO or IPAU;

(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

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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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN, VA 22102-8064

MAILED
FEB 01 2011
OFFICE OF PETITIONS

Applicant: Von Preyss, et al.
Appl. No.: 12/523,817
International Filing Date: January 17, 2008
Title: DRIVE FOR LIGHT FORMING MEANS
Attorney Docket: 742111-234
Pub. No.: 2010/0141903 A1
Pub. Date: June 10, 2010

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on June 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 publication wherein Fig. 1, was improperly displayed instead of Fig. 4.

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 Fig. 1 being published on the front page of the application instead of Fig. 4, is not an Office, the Office may select which drawing is to be published. While 37 CFR 1.84(j) permits an Applicant to suggest a Figure for the front page of the publication, the Office is not bound by Applicant's suggestion. [2]

[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] Id. At 57032.

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

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.
12/523,927	07/21/2009	Hiroshi Enomoto	Q114173	4433

23373 7590 03/17/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
HOANG, JOHNNY H

ART UNIT	PAPER NUMBER
3747	

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):

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	:	
ENOMOTO, HIROSHI et al	:	DECISION ON REQUEST TO
Application No. 12/523,927	:	PARTICIPATE IN PATENT
Filed: July 21, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q114173	:	PROGRAM AND PETITION
For: ENGINE CONTROLLER	:	TO MAKE SPECIAL
	:	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 15, 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. 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 Steve Cronin, SPE of Art Unit 3747, and 571-272-4536 for Class 123/674 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LATIMER INTELLECTUAL
PROPERTY LAW LLP
P.O. BOX 711200
HERNDON, VA 20171

MAILED
DEC 08 2010
OFFICE OF PETITIONS

Applicant: Nitsch, et al.
Appl. No.: 12/524,011
International Filing Date: January 22, 2008
Title: Use Of Phosphatase Inhibitors For The Treatment Of Neurodegenerative Diseases
Attorney Docket No.: MFS-108-US
Pub. No.:2010/0048687 A1
Pub. Date: February 25, 2010

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on March 5, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error wherein the International filing date was printed incorrectly.

The application has been forwarded to the PCT Office for review of the IA filing date.

On November 19, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed the international filing date. 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 request is granted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
Suite 700
1816 Crowchild Trail N.W.
CALGARY AB T2M 3Y7 CA CANADA

MAILED
DEC 28 2010
OFFICE OF PETITIONS

In re Application of :
Francis Stewart Atkinson :
Application No. 12/524,014 : DECISION ON PETITION
Filed: July 22, 2009 :
Attorney Docket No. AP235-09 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected drawings, as required by the Notice of Allowance and Fee(s) Due and Notice of Allowability, mailed July 23, 2010. Accordingly, the date of abandonment of this application is October 26, 2010. A Notice of Abandonment was mailed on November 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300 and corrected drawings (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees and 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

27 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

In re Application of:	:	
WALKER et al.	:	
Application No.: 12/524,031	:	DECISION ON PETITION
PCT No.: PCT/EP2007/050706	:	UNDER 37 CFR 1.47(a)
Int. Filing: 24 January 2007	:	
Priority Date: None	:	
Attorney Docket No.: P22752-US1	:	
For: METHODS, APPARATUSES AND SOFTWARE FOR PROVIDING THE SERVICE CONTROL NODE WITH FILTER CRITERIA	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 12 July 2010 to accept the application without the signature of joint-inventor, John Michael Walker.

BACKGROUND

On 24 January 2007, applicants filed international application PCT/EP2007/050706 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 July 2009.

On 22 July 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 30 November 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 26 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 18 May 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 12 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 declaration 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 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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Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of: WALKER et al.
Application No.: 12/524,031
PCT No.: PCT/EP2007/050706
Int. Filing: 24 January 2007
Priority Date: None
Attorney Docket No.: P22752-US1
For: METHODS, APPARATUSES AND SOFTWARE FOR PROVIDING THE SERVICE CONTROL NODE WITH FILTER CRITERIA

DECISION ON PETITION UNDER 37 CFR 1.47(a)

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

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MAILED
14 JAN 2011
PCT LEGAL ADMINISTRATION

John Michael Walker
Gerstkamp 87
2592 Den Haag
Netherlands

In re Application of: WALKER et al.
Application No.: 12/524,031
PCT No.: PCT/EP2007/050706
Int. Filing: 24 January 2007
Priority Date: None
Attorney Docket No.: P22752-US1
For: METHODS, APPARATUSES AND SOFTWARE FOR PROVIDING THE SERVICE CONTROL NODE WITH FILTER CRITERIA

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

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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

MAILED

17 DEC 2010

PCT LEGAL ADMINISTRATION

In re Application of: WRIGHT, Ian, Malcolm :
U.S. Application No.: 12/524,064 :
PCT No.: PCT/AU2008/000075 :
International Filing Date: 22 January 2008 :
Priority Date: 22 January 2007 :
Attorney Docket No.: W2029-7000US :
For: A VARIABLE VOLUME BIOREACTOR :

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 22 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 11 March 2010 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued 11 January 2010. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) issued on 16 November 2010.

The present petition was accompanied by the petition fee and the "required reply" in the form of proper reply to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497, payment of the surcharge for filing the declaration later than thirty months after the priority date, and payment of the search and examination fees. In addition, the petition includes a 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," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 22 November 2010.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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BRIDGESTONE AMERICAS, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317

MAILED
DEC 06 2010
PCT LEGAL ADMINISTRATION

In re Application of KALWARA et al	:	
U.S. Application No.: 12/524,078	:	
PCT Application No.: PCT/US2008/000930	:	DECISION
Int. Filing Date: 24 January 2008	:	
Priority Date Claimed: 24 January 2007	:	
Attorney Docket No.: P6039US2A(P436)	:	
For: PRE-PRIMED ROOFING MEMBRANE	:	

This is in response to applicant's correspondence filed 17 August 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 January 2008, applicant filed international application PCT/US2008/000930, which claimed priority of an earlier United States application filed 24 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 24 July 2009.

On 22 July 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 Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 17 August 2010, applicant filed the present request for status under 37 CFR 42 along with executed declarations.

DISCUSSION

The declarations filed on 17 August 2010 indicate that joint inventor Ross Robertson is deceased.

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed on 17 August 2010 are in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The mailing of the Notice of Acceptance (Form PCT/DO/EO/903) on 29 October 2009 was premature. Therefore, the Notice of Acceptance is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 January 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 August 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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United States Patent and Trademark Office
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MILLS & ONELLO LLP
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SUITE 605
BOSTON, MA 02108

MAILED

JAN 13 2011

OFFICE OF PETITIONS

Applicant: Lee, et al.
Appl. No.: 12/524,102
International Filing Date: January 18, 2008
Title: WORKOUT GARMENT
Attorney Docket No.: MAL-0001
Pub. No.: 2010/0077527 A1
Pub. Date: April 1, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on May 10, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error on the front page of the publication wherein the priority data (date) is not printed correctly.

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

The error wherein the foreign priority date on the front page of the publication is misprinted is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the priority date 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 and because the priority date is not usable as a reference date.

[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).

Application No. 12/524,102

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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Allan C. Entis Ph.D
Intellectual Property Ltd.
6 Raoul Wallenberg Street
Ramat Hachayal
Tel Aviv, 69719
Israel

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Silvio Zaifrani, et al.	:	
Application No. 12/524,164	:	DECISION ON PETITION
Filed: July 23, 2009	:	TO WITHDRAW
Attorney Docket No. C010-P1031-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/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Nanomotion Ltd.**
Mordot HaCarmel Industrial Park
Ha Yetsira Street
PO Box 623
Yokneam, 20692
Israel

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
12/524,164	07/23/2009	Silvio Zaifrani	C010-P1031-US

CONFIRMATION NO. 6758

POWER OF ATTORNEY NOTICE

OC000000043817808

85275
Allan C. Entis Ph.D., Intellectual Property Ltd.
6 Raoul Wallenberg Street
Ramat Hachayal
Tel Aviv, 69719
ISRAEL

Date Mailed: 10/01/2010

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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

MAILED
OCT 20 2010
PCT LEGAL ADMINISTRATION

In re Application of TSCHIRK :
U.S. Application No.: 12/524,218 :
PCT Application No.: PCT/EP2007/062845 :
Int. Filing Date: 27 November 2007 : DECISION
Priority Date Claimed: 23 January 2007 :
Attorney Docket No.: 2006P22764WOUS :
For: METHOD FOR IDENTIFYING SIGNALS :
OF THE SAME ORIGIN :

This is in response to applicant's renewed petition under 37 CFR 1.47(b) filed 28 July 2010

BACKGROUND

On 27 November 2007, applicant filed international application PCT/EP2007/062845, which claimed priority of an earlier European Patent Office application filed 23 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 31 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 23 July 2009.

On 23 July 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 14 April 2010, applicant filed a petition under 37 CFR 1.47(b).

On 11 June 2010, this Office mailed a decision dismissing the 14 April 2010 petition.

On 28 July 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. The renewed petition is accompanied by a statement setting forth that the person signing the declaration 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).

The petition states that Siemens Aktiengesellschaft Osterreigch ("Siemens") owns the rights to the present invention. Therefore, petitioner must establish a chain of title from the inventor to Siemens. Petitioner has provided a copy of a letter signed by the inventor (see Exhibits A1, A2, E1, and E2). The letter states that the inventor agrees to assign all rights in the invention to Siemens in consideration for monetary compensation. However, petitioner has not established, by way of a statement from a person with firsthand knowledge, that such compensation has been delivered to the inventor. It would not be reasonable to conclude that Siemens has ownership of the present invention until it is shown that the terms of the assignment agreement have been satisfied.

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.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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ALEXANDRIA, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

MAILED
DEC 17 2010
PCT LEGAL ADMINISTRATION

In re Application of TSCHIRK :
U.S. Application No.: 12/524,218 :
PCT Application No.: PCT/EP2007/062845 :
Int. Filing Date: 27 November 2007 : DECISION
Priority Date Claimed: 23 January 2007 :
Attorney Docket No.: 2006P22764WOUS :
For: METHOD FOR IDENTIFYING SIGNALS :
OF THE SAME ORIGIN :

This is in response to applicant's second renewed petition under 37 CFR 1.47(b) filed on 01 December 2010.

BACKGROUND

On 27 November 2007, applicant filed international application PCT/EP2007/062845, which claimed priority of an earlier European Patent Office application filed 23 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 31 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 23 July 2009.

On 23 July 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 14 April 2010, applicant filed a petition under 37 CFR 1.47(b).

On 11 June 2010, this Office mailed a decision dismissing the 14 April 2010 petition.

On 28 July 2010, applicant filed a renewed petition under 37 CFR 1.47(b).

On 20 October 2010, this Office mailed a decision dismissing the 28 July 2010 petition.

On 01 December 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), (4), and (6) above.

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).

The petition states that Siemens Aktiengesellschaft Osterreigch ("Siemens") owns the rights to the present invention. Therefore, petitioner must establish a chain of title from the inventor to Siemens. Petitioner has provided a copy of a letter signed by the inventor (see Exhibits A1, A2, E1, and E2). The letter states that the inventor agrees to assign all rights in the invention to Siemens in consideration for monetary compensation. Petitioner has established that such compensation has been delivered to the inventor (see 01 December 2010 affidavit of Alois Peham, ¶4). Thus, it can be concluded with reasonable certainty that Siemens has sufficient proprietary interest in the present application.

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 27 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 April 2010.

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Wolfgang Tschirk
Pelzgasse 2/13
A-1150 Wien
AUSTRIA

MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

In re Application of TSCHIRK
U.S. Application No.: 12/524,218
PCT Application No.: PCT/EP2007/062845
Int. Filing Date: 27 November 2007
Priority Date Claimed: 23 January 2007
For: METHOD FOR IDENTIFYING SIGNALS OF THE SAME ORIGIN

Dear Wolfgang Tschirk:

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
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
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Attorney Docket No.: 2006P22764WOUS

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

MAILED
FEB 01 2011
OFFICE OF PETITIONS

Applicant: Weichao Pan, et al.
Appl. No.: 12/524,225
International Filing Date: January 4, 2008
Title: OPTICAL MEASUREMENT INSTRUMENT FOR BODY HEIGHT
Atty. Doc.: 025598-000006
Pub. No.: US 2010/0103405 A1
Pub. Date: April 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on June 29, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in paragraph 0057 of the specification.

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

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication was printed as it appears in the specification filed on July 23, 2009. 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.

[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 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 June 29, 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 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

24 AUG 2010

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TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO IL 60603

In re Application of	:	DECISION ON
SOMERVELL et al	:	
Application No.: 12/524,251	:	
Int. Application: PCT/NZ2008/000007	:	
Int. Filing Date: 23 January 2008	:	REQUEST UNDER
Priority Date: 23 January 2007	:	
Attorney's Docket No.: 1171/48406/210-PCT-US	:	
For: HUMIDIFICATION APPARATUS...	:	
OF GAS PATHWAY	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 07 July 2010.

BACKGROUND

In a decision from this Office mailed on 26 May 2010, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 07 July 2010, applicants filed the current communication, which included, *inter alia*, a written consent by the assignee.

DISCUSSION

In regard to item (3), Fisher & Paykel Healthcares Ltd., consents to the correction of inventorship to the above application. However, a further review of the "Written Consent of Assignee Pursuant to 37 CFR 3.73(b)" reveals that the applicant has still not satisfied item (3) of 37 CFR 1.497(d) because Lewis Gradon, who is signing on behalf of the assignee, does not have neither apparent authority because his title is of Director nor appears to authority to act on behalf of the assignee. The title of Director is not presumed to be an officer that has apparent authority to sign on behalf of the organization. Note MPEP 1820.

Accordingly, applicant is 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

UNITED STATES PATENT and TRADEMARK OFFICE

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TREXLER, BUSHNELL, GIANGIORGI,
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105 WEST ADAMS STREET
SUITE 3600
CHICAGO IL 60603

MAILED

DEC 22 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON RENEWED
SOMERVELL et al	:	
Application No.: 12/524,251	:	
Int. Application: PCT/NZ2008/000007	:	
Int. Filing Date: 23 January 2008	:	REQUEST UNDER
Priority Date: 23 January 2007	:	
Attorney's Docket No.: 1171/48406/210-PCT-US	:	
For: HUMIDIFICATION APPARATUS...	:	
OF GAS PATHWAY	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 07 July 2010.

BACKGROUND

In a decision from this Office mailed on 28 August 2010, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 22 October 2010, applicants filed the second renewed request under 37 CFR 1.497(d).

DISCUSSION

A review of the renewed request reveals that applicants have satisfied item (3) of 37 CFR 1.497(d). In regard to item (3), the assignee, Fisher & Paykel Healthcares Ltd., consents to the addition of Matthew Jon Payton as a joint-inventor to the above patent application, because Lewis Gradon has apparent authority as a Director of a New Zealand corporation to bind the assignee.

Accordingly, applicants are 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
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PCT Legal Office
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FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of	:	
PIGERRE	:	
Application No. 12/524,280	:	DECISION ON PETITION
Filed: July 13, 2010	:	TO WITHDRAW
Attorney Docket No. 25615-0002US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to David Goren and the attorneys associated with Customer No. 26181, has been revoked by the applicant of the patent application on April 25, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

cc: JACQUES PIGERRE
VILLA MOHOGANY, 216 CHEMIN GRANT
CAYENNE, 97300, FRANCE

cc: DAVID GOREN
500 ARGUELLO STREET, SUITE 500
REDWOOD CITY CA 94063

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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
12/524,280	07/13/2010	Jacques Pigerre	25615-0002US1

CONFIRMATION NO. 7578

POA ACCEPTANCE LETTER

1609
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

OC000000047396125

Date Mailed: 04/28/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2011.

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

/dcgoodwyn/

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

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/524,280	07/13/2010	Jacques Pigerre	25615-0002US1

CONFIRMATION NO. 7578

POWER OF ATTORNEY NOTICE

26181
FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000047395890

Date Mailed: 04/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2011.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

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

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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

MAILED
OCT 05 2010
OFFICE OF PETITIONS

Applicants: Degelis, et al.
Appl. No.: 12/524,286
International Filing Date: February 7, 2008
Title: DEVUCE FOR ASSEMBLING TWO BOARDS
Attorney Docket: ARY0073
Pub. No.: US 2010/0008746 A1
Pub. Date: January 14, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 2, 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.

The PCT papers, which were improperly scanned into this application on September 8, 2009 and published as part of the pre-grant publication, have been closed.

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

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

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

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JAN 04 2011

PCT LEGAL ADMINISTRATION

Law Offices of Michael B. Farber
1902 Wright Place, Suite 200
Carlsbad CA 92008

In re Application of	:	
VIOREANU, et al.	:	DECISION ON PETITION
Application No.: 12/524,287	:	
PCT No.: PCT/EP2008/050964	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 28 January 2008	:	
Priority Date: 26 January 2007	:	
Atty. Docket No.: 1015-003-US	:	
For: MEDICAL ATTACHMENT DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 30 November 2010 in the above-captioned application is hereby **DISMISSED** as follows:

Applicant has provided payment of the petition fee and the required statement of unintentional delay. However, applicant has not provided the proper reply. In the present case, the application became abandoned for failure to provide a compliant oath or declaration of the inventors. The presently filed declaration is not in compliance with 37 CFR 1.497(a)-(b). Specifically, the information provided for inventor Vioreanu contains non-initialed, non-dated alterations. In addition, the declaration appears to list an updated citizenship for the inventor, however, the citizenship is illegible. As such, this application remains abandoned as to the National stage in the United States.

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 1.137(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 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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Law Offices of Michael B. Farber
1902 Wright Place, Suite 200
Carlsbad, CA 92008

MAILED

MAR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
VIOREANU, et al.	:	
Application No.: 12/524,287	:	
PCT No.: PCT/EP2008/050964	:	DECISION ON PETITION
Int. Filing Date: 28 January 2008	:	
Priority Date: 26 January 2007	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 1015-003-US	:	
For: MEDICAL ATTACHMENT DEVICE	:	

This decision is in response to applicant's renewed petition to revive under 37 CFR 1.137(b) filed 14 February 2011 in the above-captioned application. The petition is hereby **DISMISSED** as follows:

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). Applicant has satisfied items (2)-(3). It is noted that item (4) does not apply to the present application.

As to item (1), as detailed in the decision mailed 04 January 2011, the proper reply was the submission of a compliant oath or declaration under 37 CFR 1.497(a)-(b). The declaration which accompanies the renewed petition is not in compliance with 37 CFR 1.497(a)-(b). A review of the submitted declaration finds that it does not list the other inventor in the application, John O'Byrne. As such, it is not possible to grant applicant's renewed petition to revive at this time.

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 1.137(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 PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
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APR 05 2011

PCT LEGAL ADMINISTRATION

In re Application of
VIOREANU, et al.
Application No.: 12/524,287
PCT No.: PCT/EP2008/050964
Int. Filing Date: 28 January 2008
Priority Date: 26 January 2007
Atty. Docket No.: 1015-003-US
For: MEDICAL ATTACHMENT DEVICE

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 10 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant previously provided a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant, executed declaration of the inventors. 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 January 2008 under 35 U.S.C. 363 and will be given a date of **10 March 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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MONTREAL QC H3A 3C8
CANADA

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of	:	
LEYLAND-JONES et al.	:	
Application No. 12/524,306	:	DECISION DISMISSING PETITION
Filed: 11/17/2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. P1171US01	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 60/886,772, filed January 26, 2007.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) for acceptance of a delayed benefit claim 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)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 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)(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 petition fails to comply with item (1) above.

The Office notes that nonprovisional Application No. 12/524,306 was not filed within 12 months from the filing date of prior-filed provisional Application No. 60/886,772. As stated in MPEP 201.11(III)(C):

> A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Although an application that itself directly claims the benefit of a provisional application is not required to specify the relationship to the provisional application, if the instant nonprovisional application is not filed within the 12 month period, but claims the benefit of an intermediate nonprovisional application under 35 U.S.C. 120 that was filed within 12 months from the filing date of the provisional application and claimed the benefit of the provisional application, the intermediate application must be clearly identified as claiming the benefit of the provisional application so that the Office can determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application and thus, whether the claim is proper.

Therefore, the amendment to the specification, filed November 21, 2011, is not acceptable as drafted because it improperly seeks to claim priority under 35 U.S.C. 119(e) to provisional Application No. 60/886,772, filed January 26, 2007.

Any renewed petition under 37 CFR 1.78(a)(6) filed in the present application must be accompanied by a signed 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 reminds applicants 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

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18 AUG 2010

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

In re Application of ETWIL	:	
U.S. Application No.: 12/524,338	:	
PCT Application No.: PCT/US2008/001090	:	
Int. Filing Date: 28 January 2008	:	DECISION
Priority Date Claimed: 26 January 2007	:	
Attorney Docket No.: 8627-2534 (PA-6119-PCT/US)	:	
For: APPARATUS AND METHOD FOR	:	
COOLING THE BRAIN USING A GAS	:	

This is in response to applicant's renewed petition under 37 CFR 1.182 filed 25 June 2010.

BACKGROUND

On 28 January 2008, applicant filed international application PCT/US2008/001090, which claimed priority of an earlier United States application filed 26 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 July 2009.

On 23 July 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 28 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 16 November 2009, applicant filed an executed declaration.

On 22 December 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventor's name.

On 07 January 2010, applicant filed a petition under 37 CFR 1.182.

On 30 April 2010, this Office mailed a decision dismissing the 07 January 2010 petition.

On 25 June 2010, applicant filed the instant renewed petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the inventor has changed from "Alex Joergensen" to "Alex Etwil".

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. The requisite $400.00 petition fee has been provided. The renewed petition is accompanied by a statement from the inventor setting forth both names and the procedure whereby the name change was effected. Applicant is advised that the recitation of U.S. Application No. 12/524,342 in paragraph 2 of the inventor's statement is disregarded.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 January 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 November 2009.

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

Bryan Lin

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/524,480	07/24/2009	Shinichi Sugai	12699/142	9089

23838 7590 11/02/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
YOUNG, EDWIN

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
11/02/2011	PAPER

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

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

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NOV - 2 2011

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

In re application of	:	**DECISION ON REQUEST TO**
Sugai Shinichi	:	**PARTICIPATE IN PATENT**
Application No. 12/524,480	:	**PROSECUTION HIGHWAY**
Filed: July 24, 2009	:	**PROGRAM AND PETITION**
For: VEHICLE AND CONTROL	:	**TO MAKE SPECIAL UNDER**
METHOD OF VEHCLE	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 8, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/31/11

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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NOV 04 2011

PCT LEGAL ADMINISTRATION

In re Application of JONSSON et al. Application No.: 12/524,503 PCT No.: PCT/SE08/00068 Int. Filing Date: 25 January 2008 Priority Date: 26 January 2007 Attorney Docket No.: 69409.001068 For: VACUUM CLEANER	DECISION ON under 37 CFR §§1.497(d), 1.137(b) and 1.182

This is a decision on applicant's petition to revive under 37 CFR 1.137(b), renewed petition to correct inventorship under 37 CFR 1.497(d) and petition to correct inventor's name under 37 CFR 1.182 filed on 02 September 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 January 2008, applicant filed international application PCT/SE08/00068, which identified Stefan Jonsson, Jonas Beskow and Henrik Nyqvist as applicant/inventors.

On 24 July 2009, applicant filed a Transmittal Letter requesting National stage entry under 35 U.S.C. 371 for international application PCT/SE08/00068 along with the basic national fee.

On 26 April 2009, applicant filed a petition under 37 CFR 1.497(d) for correction of inventorship, to delete Henrik Nygren as an inventor. In addition to the $130 petition fee, Petitioner provided the statement of Henri Nygren in support of the correction of inventorship under 37 CFR 1.497(d). Petitioner noted that the inventor Nygren's last name was incorrectly indicated on the international application as "Nyqvist".

On 07 June 2010, a decision dismissing the request was mailed. Thereafter, on 15 August 2011, a Notification of Abandonment was mailed indicating that applicant had not responded to the decision mailed on 07 June 2010.

DISCUSSION

Petition under 37 CFR § 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 September 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the

requirements of 37 CFR 1.137(b)(3).

Applicant paid the petition fee of $1620 and submitted a reply to the 07 June 2010 decision. 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.

Petition Under 37 CFR 1.182

The petition under 37 CFR 1.182 to change the third named inventor's name to Henrik Nygren is **GRANTED**. Applicant filed a petition under 37 CFR 1.182 to change the inventor's name to Henrik Nygren. Applicant had paid the required petition fee. The petition includes the required statement from the inventor confirming his correct name and indicating that the listing on the international application PCT/SE08/00068 occurred without deceptive intent. Accordingly, the correction of the name of the inventor to Henrik Nygren is appropriate.

Petition Under 37 CFR 1.497(d)

With respect to applicant's petition under 37 CFR 1.497(d), where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being deleted as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in §1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)). Petitioner has now satisfied the requirements of 37 CFR 1.497(d). The petition under 37 CFR 1.497(d) is **GRANTED**.

CONCLUSION

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

The petition under 37 CFR 1.182 to change the respective inventor's name to Henrik Nygren is **GRANTED**.

For the reasons discussed above, the submission under 37 CFR 1.497(d) to delete Henrik Nygren as an inventor in the above captioned application is hereby **GRANTED**. The declaration submitted on 26 April 2010 is acceptable and in compliance with 37 CFR 1.497.

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 26 April 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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2010

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SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	
JONSSON, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/524,507	:	
PCT No.: PCT/SE2008/000071	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 25 January 2008	:	
Priority Date: 26 January 2007	:	
Atty Docket No.: 69409.001069	:	
For: VACUUM CLEANER	:	

This decision is in response to applicant's petition to delete an inventor filed 27 April 2010 in the United States Patent and Trademark Office (USPTO). As authorized, the $130.00 petition fee will be charged to deposit account number 50-0206.

BACKGROUND

On 25 January 2008, applicant filed international application PCT/SE2008/000071 which claimed priority to a previous application filed 26 January2007. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 31 July 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 26 July 2009.

On 24 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an unsigned declaration.

On 27 January 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 27 April 2010, applicant filed the present petition including a combined declaration and power of attorney and a petition for a one-month extension of time. 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.

Regarding applicant's statement as to the discrepancy between the last name of the second on the inventor on the international application and the filed declaration, the difference in names appears to be more than a typographical error. The USPTO is construing applicant's statement that the error is a transliteration error. If this interpretation is incorrect applicant should contact the office immediately.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 25 January 2008 and will be given a date of **27 April 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 for further 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

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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUERO STREET
SUITE 2300
LOS ANGELES CA 90017

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of	:	
Dong Wook Roh et al	:	
Application No. 12/524,529	:	DECISION GRANTING PETITION
Filed: July 24, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2101-3665	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 29, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2477 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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	12524529
Filing Date	06-Nov-2009
First Named Inventor	Dong Wook Roh
Art Unit	2477
Examiner Name	GREGORY SEFCHECK
Attorney Docket Number	2101-3665
Title	METHOD FOR TRANSMITTING CONTROL CHANNEL IN A MOBILE COMMUNICATION SYSTEM

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Sevan Savsa/
Name	Sevan Savsa
Registration Number	61718

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Decision Date : May 13,2011

In re Application of :

Dong Wook Roh

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12524529

Filed : 06-Nov-2009

Attorney Docket No : 2101-3665

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 13,2011 , 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 2477 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Peter S. Lu et al.	:	
Application No. 12/524,565	:	DECISION ON PETITION
Filed: February 5, 2010	:	TO WITHDRAW
Attorney Docket No. 020054-005701US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 2, 2011.

The request is **NOT APPROVED.**

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

23 AUG 2010

United States Patent and Trademark Office

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Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of	:	
Kobayashi et al.	:	
Application No.: 12/524,696	:	
PCT No.: PCT/JP2008/051043	:	
Int. Filing Date: 25 January 2008	:	DECISION
Priority Date: 29 January 2007	:	
Attorney Docket No.: 142319	:	
For: Nipple Covering Member And Breast Pump	:	

This is in response to the request for correction of the filing receipt, filed on 26 March 2010.

BACKGROUND

This international application was filed on 25 January 2008, claimed a earlier priority date of 29 January 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 07 August 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 July 2009. Applicants filed *inter alia* the basic national fee on 27 July 2009.

Applicants filed *inter alia* a declaration on 06 October 2009.

On 14 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).

On 23 October 2009, applicants filed a response, including a declaration.

DISCUSSION

Applicants request issuance of a corrected filing receipt showing a 35 U.S.C. 371(c)(1), (2) and (4) date of 06 October 2009, since an acceptable declaration allegedly was filed on that date. Review of the declaration filed on 06 October 2009 reveals that it does not identify the citizenship of inventors Awano, Mizuno, Onuki and Ishimaru; as such, it does not satisfy the requirements of 37 CFR 1.497(a)(3). Inspection of the declaration filed on 23 October 2009 reveals that it is not acceptable for the same reason. As such, the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 16 February 2009 and the Filing Receipts mailed on 16 February 2010 and 10 March 2010 were all issued in error, and all are hereby **VACATED**.

DECISION

The request is **REFUSED**, without prejudice.

Applicants are required to file an oath or declaration compliant with 37 CFR 1.497(a) and (b) 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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Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of
Kobayashi et al.
Application No.: 12/524,696
PCT No.: PCT/JP2008/051043
Int. Filing Date: 25 January 2008
Priority Date: 29 January 2007
Attorney Docket No.: 142319
For: Nipple Covering Member And Breast Pump

DECISION

This is in response to the "Response To Decision" filed on 20 September 2010.

DISCUSSION

In a Decision mailed on 23 August 2010, applicants were advised that

> Applicants request issuance of a corrected filing receipt showing a 35 U.S.C. 371(c)(1), (2) and (4) date of 06 October 2009, since an acceptable declaration allegedly was filed on that date. Review of the declaration filed on 06 October 2009 reveals that it does not identify the citizenship of inventors Awano, Mizuno, Onuki and Ishimaru; as such, it does not satisfy the requirements of 37 CFR 1.497(a)(3). Inspection of the declaration filed on 23 October 2009 reveals that it is not acceptable for the same reason. As such, the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 16 February 2009 and the Filing Receipts mailed on 16 February 2010 and 10 March 2010 were all issued in error, and all are hereby **VACATED**.

In response, counsel has now provided a declaration which complies with the requirements of 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED** for purposes of 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 **20 September 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

30 SEP 2010

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398

In re Application of: ORLOWSKI et al.	:	
Application No.: 12/524,702	:	
PCT No.: PCT/DE2008/000161	:	DECISION ON PETITION
Int. Filing: 30 January 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: 30 January 2007	:	
Attorney Docket No.: 6333-00700	:	
For: BIORESORBABLE METAL STENT	:	
WITH CONTROLLED RESORPTION	:	

In a decision mailed by this Office on 01 July 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 09 August 2010, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Eric B. Meyertons, with accompanying documents, which provides the required firsthand evidence that the nonsigning inventor, Alexander Rübben, has refused to execute the declaration, as requested. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor, Alexander Rübben.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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30 SEP 2010

Alexander Rübben
Gut Steeg 20
52074 Aachen
Germany

In re Application of: ORLOWSKI et al.
Application No.: 12/524,702
PCT No.: PCT/DE2008/000161
Int. Filing: 30 January 2008
Priority Date: 30 January 2007
Attorney Docket No.: 6333-00700
For: BIORESORBABLE METAL STENT WITH CONTROLLED RESORPTION

Dear Alexander Rübben:

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:
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398

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Paper No.

CYTEC INDUSTRIES INC.
1937 WEST MAIN STREET
P.O. BOX 60
STAMFORD CT 06904-0060

MAILED
AUG 03 2011
OFFICE OF PETITIONS

In re Application of :
Paar et al. : DECISION ON PETITION
Application No. 12/524,785 :
Filed: August 21, 2009 :
Atty Docket No. 07004G-WO-US :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed July 15, 2011.

The petition is **GRANTED**.

On December 22, 2010, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned effective March 23, 2011. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay, along with a statement of the circumstances of the abandonment to show that the delay was unintentional; and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

All requirements of 37 CFR 1.137(b) have been met.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee was submitted (on

petition) subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded.

Technology Center AU 1762 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment submitted on petition filed July 15, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FEB 28 2012
OFFICE OF PETITIONS

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

In re Application of	: DECISION ON REQUEST TO
Teruo ISHISHITA	: PARTICIPATE IN PPH PROGRAM
Application No. 12/524,802	: AND PETITION TO MAKE SPECIAL
Filed: July 28, 2009	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: Q114324	:

For: INPUT/OUTPUT CONTROL DEVICE FOR SECONDARY BATTERY AND VEHICLE

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 14, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

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

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;

3. Examination of the U.S. application has not begun;

4. Applicant must submit 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 if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or 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, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

This application will be forwarded to Technology Center Art Unit 3663 for action commensurate with this decision.

Thurman K Page

David Bucci
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Yasushi Kishimoto, et al.	:	
Application No. 12/524,825	:	DECISION GRANTING PETITION
Filed: July 28, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q114369	:	

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed February 28, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 11, 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 regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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J. Rodman Steele
Novak Druce & Quigg LLP
525 Okeechobee Blvd
Suite 1500
West Palm Beach FL 33401

MAILED

NOV 09 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
KINSKEY, et al.	:	
U.S. Application No.: 12/524,847	:	DECISION ON PETITION
PCT No.: PCT/US2008/052534	:	
Int. Filing Date: 30 January 2008	:	UNDER 37 CFR 1.182
Priority Date: 30 January 2007	:	
Attorney's Docket No.: 8401-56-1	:	
For: MULTI-FUNCTION TOOL APPARATUS	:	
AND SYSTEM	:	

This decision is in response to applicant's correspondence filed 17 August 2010 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.182 to change the name of inventor Terry Kinsky. As authorized the $400.00 petition fee will be charged to deposit account number 14-1437.

BACKGROUND

On 30 January 2008, applicant filed international application PCT/US2008/052534, which claimed priority of an earlier application filed 30 January 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 July 2009.

On 28 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement, an Application Data Sheet and a first preliminary amendment.

On 07 January 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 13 July 2010, applicant responded with an executed declaration of the inventors.

On 22 July 2010, applicant was mailed a "Notification of Defective Response" (Form

PCT/DO/EO/916) instructing applicant that there was a discrepancy between the filed declaration and the published international application as to the name of inventor Kinskey. Applicant was afforded one month to provide a proper response to the notification. Applicant was further advised that this period was not extendable but that the period set in the Form PCT/DO/EO/905 mailed 07 January 2010 could be extended pursuant to 37 CFR 1.136(a).

On 17 August 2010, applicant filed the response considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where a discrepancy exists between the inventor's name as it appears on the published international application and the filed declaration is more than a mere typographical or transliteration error. It explains that:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.
>
> If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

The differences in names is more than a mere typographical error. Applicant has merely presented an explanation from counsel. As applicant has not provided either a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182."

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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J. Rodman Steele
Novak Druce & Quigg LLP
525 Okeechobee Blvd
Suite 1500
West Palm Beach FL 33401

MAILED
21 JAN 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
KINSKEY, et al.	:	
U.S. Application No.: 12/524,847	:	DECISION ON PETITION
PCT No.: PCT/US2008/052534	:	
Int. Filing Date: 30 January 2008	:	UNDER 37 CFR 1.182
Priority Date: 30 January 2007	:	
Attorney's Docket No.: 8401-56-1	:	
For: MULTI-FUNCTION TOOL APPARATUS	:	
AND SYSTEM	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.182 filed 16 December 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 November 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 16 December 2010, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 09 November 2010, the Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where a discrepancy exists between the inventor's name as it appears on the published international application and the filed declaration is more than a mere typographical or transliteration error. It explains that:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.
>
> If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

In the present case as the differences in names (Terry Kinsky vs. Terrence P. Kinsky) was

more than a mere typographical error, applicant's response of 17 August 2010 was treated as a petition under 37 CFR 1.182 and dismissed.

Applicant has presently filed a combined declaration and power of attorney which lists and is signed by the second inventor as Terry Kinskey, his name on the published international application. As applicant has filed a compliant declaration of the inventors with names which match those listed on the published international application, the renewed petition under 37 CFR1.182 is dismissed as moot.

Regarding applicant's request for a refund of the $400.00 petition fee charged to deposit account number 14-1437. This request is refused. The Form PCT/DO/EO/916 mailed 22 July 2010 afforded applicant one month to provide a proper response. In this case the potential responses included a complaint, signed oath or declaration of the inventors or a petition under 37 CFR 1.182 changing the name of the second listed inventor to match that on the declaration filed 13 July 2010. Applicant did not file a complaint oath or declaration on 17 August 2010; therefore to have applicant's filing not treated as a petition under 37 CFR 1.182 would have resulted in the abandonment of the application.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED** as moot.

The application has an international filing date of 30 January 2008 under 35 U.S.C. 363 and will be given a date of **16 December 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 (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903).

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

United States Patent and Trademark Office

MAILED

OCT 29 2010

PCT LEGAL ADMINISTRATION

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MAGINOT, MOORE & BECK, LLP
CHASE TOWER
111 MONUMENT CIRCLE
SUITE 3250
INDIANAPOLIS IN 46204

In re Application of	:	
Moreno	:	
Application No.: 12/524,856	:	DECISION
PCT No.: PCT/US2008/001536	:	
Int. Filing Date: 05 February 2008	:	ON
Priority Date: 07 February 2007	:	
Attorney Docket No.: 1576-0124	:	PETITION
For: Vibration Dampening For A Power Tool	:	

The petition to revive under 37 CFR 1.137(b) filed on 30 August 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, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

Attorney Docket No. P24985-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Meyer et al.	§	Group Art Unit:	Not Yet Assigned
		§		
Application No:	12/524891	§	Examiner:	Not Yet Assigned
		§		
Filed:	07-29-2009	§		

FOR: METHOD AND A DEVICE FOR IMPROVED STATUS REPORTS

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: December 1, 2010

Signature: /Pam Ewing/

Name: Pam Ewing

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*"), 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. 11/744111 (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. 11/744111;

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

Attorney Docket No. P22673-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Patrik Sandgren	§	Group Art Unit:	Not Yet Assigned
		§		
Application No:	11/744111	§	Examiner:	Not Yet Assigned
		§		
Filed:	05-03-2007	§		

FOR: EARLY REFLECTION METHOD FOR ENHANCED EXTERNALIZATION

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: December 1, 2010

Signature: /Pam Ewing/

Name: Pam Ewing

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*"), Ericsson Inc. ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 11/744,111(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. 12/524,891.

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

Electronic Acknowledgement Receipt

EFS ID:	8940122
Application Number:	11744111
International Application Number:	
Confirmation Number:	8181
Title of Invention:	Early Reflection Method for Enhanced Externalization
First Named Inventor/Applicant Name:	Patrik Sandgren
Customer Number:	27045
Filer:	Steven Ware Smith/Pamela Ewing
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P22673-US1
Receipt Date:	01-DEC-2010
Filing Date:	03-MAY-2007
Time Stamp:	10:21:06
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	P22673-US1_2010-12-01_10-6572_Request_for_Abandonment.pdf	24834 20d1d94cbf01b7df621ce03c649f828027f40070	no	2

Warnings:

Information:

Total Files Size (in bytes):	24834

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.

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of :
MEYER, et al. :
Application No. 12/524,891 :
Filed: July 29, 2009 :
Attorney Docket No. **P24985-US2** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 1, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

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	12524900
Filing Date	29-Jul-2009
First Named Inventor	Daisuke Shimao
Art Unit	1733
Examiner Name	SCOTT KASTLER
Attorney Docket Number	500.50119X00
Title	IRON CORE ANNEALING FURNACE

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	/Alan E. Schiavelli/
Name	Alan E. Schiavelli
Registration Number	32087

UNITED STATES 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 5, 2012

In re Application of :

Daisuke Shimao

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12524900

Filed : 29-Jul-2009

Attorney Docket No : 500.50119X00

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 5, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 1733 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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GLOBELMMUNE C/O MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO CA 94304-1018

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of	:	
FRANZUSOFF, Alex et al.	:	
Application No. 12/525,045	:	DECISION ON PETITION
Filed: January 29, 2010	:	TO WITHDRAW
Attorney Docket No. **595432001300**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 07, 2011.

The request is **APPROVED**.

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

The request was signed by Gladys Monroy on behalf of all attorneys of record who are associated with customer No. 78244. All attorneys/agents associated with the Customer Number 78244 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **GLOBEIMMUNE, INC.**
1450 INFINITE DRIVE
LOUISVILLE, COLORADO 80027

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NOV 22 2010

PCT LEGAL ADMINISTRATION

Glenmark Pharmaceuticals S.A.
c/o Blank Rome
Attn: Patent Docketing
One Logan Square
Philadelphia PA 19103

In re Application of	:	DECISION
DHUPPAD	:	
Application No.: 12/525,049	:	
PCT No.: PCT/IB2008/000217	:	
Int. Filing Date: 31 January 2008	:	
Priority Date: 01 February 2007	:	
Attorney Docket No.: 04366/1206309-US1	:	
For: PHARMACEUTICAL COMPOSITIONS	:	
FOR THE TREATMENT OF INFLAMMATORY	:	
AND ALLERGIC DISORDERS	:	

This decision is in response to applicants' petition filed 20 November 2009, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 31 January 2008, applicant filed international application PCT/IB2008/000217, which designated the United States and claimed a priority date of 01 February 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (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 03 August 2009 (01 August 2009 being a Saturday).

On 29 July 2009, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

On 24 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 the declaration of inventors provided 29 July 2009 was not in compliance with 37 CFR 1.497(a)-(b) because there are two inventors listed on the declaration of inventors but only one inventor listed on the international application.

On 20 November 2009, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

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 declaration filed 29 July 2009 does not list the inventorship set forth in the international application. As noted in the NOTIFICATION OF MISSING REQUIREMENTS, the international application identifies one inventor while the declaration identifies two inventors.

The petition urges that the difference in inventorship is due to an apparent printing error by WIPO. However, it appears that the second inventor listed on the declaration was not properly added during the international stage. Thus, the inventorship is that of the single inventor. The second inventor was not listed on the original Request filed in the international stage on 31 January 2008 but was listed in a substitute Request received by WIPO on 28 February 2008 (documents appearing on WIPO's PATENTSCOPE® database). However, a change in inventorship must be recorded under PCT Rule 92bis. Because such a change was not made, the inventorship in the national stage is the inventorship set forth in the international application and the declaration filed 29 July 2009 is not sufficient.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicants are required to file a declaration in compliance with 37 CFR 1.497(a)-(b) naming the proper inventive entity, or a proper change of inventorship under 37 CFR 1.497(d), within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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MAR 14 2011

PCT LEGAL ADMINISTRATION

Glenmark Pharmaceuticals S.A.
c/o Blank Rome
Attn: Patent Docketing
One Logan Square
Philadelphia PA 19103

In re Application of	:	DECISION
DHUPPAD et al.	:	
Application No.: 12/525,049	:	
PCT No.: PCT/IB2008/000217	:	
Int. Filing Date: 31 January 2008	:	
Priority Date: 01 February 2007	:	
Attorney Docket No.: 04366/1206309-US1	:	
For: PHARMACEUTICAL COMPOSITIONS	:	
FOR THE TREATMENT OF INFLAMMATORY	:	
AND ALLERGIC DISORDERS	:	

This decision is in response to applicants' "PETITION TO CORRECT INVENTORSHIP OF A PATENT APPLICATION UNDER 37 C.F.R. § 1.48(a)" filed 21 January 2011, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 31 January 2008, applicants filed international application PCT/IB2008/000217, which designated the United States and claimed a priority date of 01 February 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (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 03 August 2009 (01 August 2009 being a Saturday).

On 29 July 2009, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

On 24 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 the declaration of inventors provided 29 July 2009

was not in compliance with 37 CFR 1.497(a)-(b) because there are two inventors listed on the declaration of inventors but only one inventor listed on the international application.

On 20 November 2009, applicants filed a petition under 37 CFR 1.181.

On 22 November 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. Specifically, it was noted that the inventorship in the national stage is the inventorship set forth in the international application and that either a declaration in compliance with 37 CFR 1.497(a)-(b) naming the proper inventive entity, or a proper change of inventorship under 37 CFR 1.497(d) was required.

On 21 January 2011, applicants filed the instant petition under 37 CFR 1.497(d) requesting that Ganga Srinivas Arra be added as an inventor. The petition was accompanied by a statement from Ganga Srinivas Arra, a consent of assignee statement, and a statement under 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 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 Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 29 July 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Ulhas Dhuppad and Ganga Srinivas Arra as inventors.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

MAILED

DEC 20 2010

PCT LEGAL ADMINISTRATION

In re Application of :
FARKAS et al. :
Application No.: 12/525,062 :
PCT No.: PCT/IB2008/000115 :
Int. Filing Date: 18 January 2008 :
Priority Date: 19 January 2007 :
Attorney Docket No.: P23270-US2 :
For: METHOD, BRIDGE AND COMPUTER NETWORK FOR CALCULATING A SPANNING TREE BASED ON LINK STATE ADVERTISEMENTS (LSA)

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

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 the required reply (petition to revive the international application) 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 forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing in accordance with this decision.

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

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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.
12/525,101	07/30/2009	Issei Nakashima	10672.0005-00000	5191

22852 7590 11/15/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
ALGAHAIM, HELAL A

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
11/15/2011	PAPER

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

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

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NOV 15 2011

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

In re application of	:	**DECISION ON REQUEST TO**
Nakashima et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/525,101	:	**PROSECUTION HIGHWAY**
Filed: July 30, 2009	:	**PROGRAM AND PETITION**
For: VEHICLE AND CONTROL	:	**TO MAKE SPECIAL UNDER**
METHOD OF THE SAME	:	**37 CFR 1.102(a)**

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

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/15/11

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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.
12/525,169	07/30/2009	Hiromichi Kuno	Q114322	5669

23373 7590 07/13/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
HAN, YOUNGHUIE JESSICA

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
07/13/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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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**
KUNO et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/525,169	**: PROSECUTION HIGHWAY**
Filed: 30 July 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: Q114322	**: TO MAKE SPECIAL UNDER**
For: SEMICONDUCTOR POWER	**: 37 CFR 1.102(a)**
CONVERSION DEVICE	

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 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

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

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

MAILED

AUG 10 2011

OFFICE OF PETITIONS

Applicant: Kasibhatla, et al.
Appl. No.: 12/525,174
International Filing Date: January 30, 2008
Title: MODULATORS OF MITOTIC KINASES (MMK2)
Attorney Docket No.: 223255/P0740US/126881
Pub. No.: US 2010/0249067 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 November 30, 2010, for the above-identified application.

The request is granted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,285	08/24/2009	Katsunari Uemura	5132-0141PUS1	6435

2292 7590 09/07/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	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

MAILED

SEP 03 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of: UEMURA, KATSUNARI et al.
Application No. 12525285
Filed: July 7, 2010
For: MOBILE COMMUNICATION SYSTEM, BASE STATION APPARATUS, AND MOBILE STATION APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 27, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

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

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

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

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

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

(5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.

(6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

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

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

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

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 16 2010

RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re application of: Lee, Eun Bok Application No.: 12/525,291 Filed: July 30, 2009 For: SYSTEM AND METHOD FOR FINANCIAL TRANSACTION	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program between the USPTO and the KIPO and the petition under 37 C.F.R. § 1.102(d), filed June 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH program and petition to make special, at the date of the request, require:

(1) The U.S. application must validly claim priority under 35 USC 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 claims in the KIPO application(s);

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

(5) Applicant must submit a copy of the latest Office action from each of the KIPO application(s) containing the allowable/patentable claim(s)

along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the petition, the supporting documents filed June 17, 2010, and the IDS filed July 30, 2009, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

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

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

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

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/8/13/10

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

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

Application No:	12/525,364	Filing date:	July 31, 2009
First Named Inventor:	Ryoji Hayashi		
Title of the Invention:	BENZYLAMINE DERIVATIVE OR PHARMACEUTICALLY ACCEPTABLE ACID ADDITION SALT ...		

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/JP2008/051479

The international date of the corresponding PCT application(s) is/are: January 31, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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.:	12/293,697
First Named Inventor:	Sadayuki Kobayashi

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 21, 2009

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 21, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
See EXHIBIT A	See EXHIBIT A	See EXHIBIT A

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

Signature /TDC/	Date January 11, 2011
Name (Print/Typed) T. Daniel Chirstenbury	Registration Number 31,750

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.

VERIFICATION OF TRANSLATION

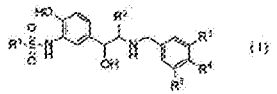
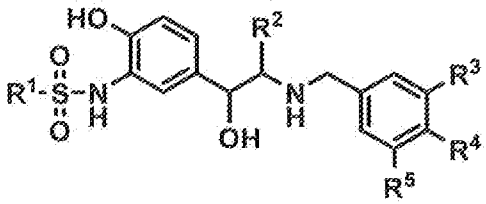
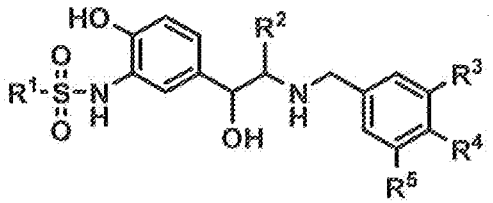
I, Hidejiro Tanigawa of TANIGAWA AND ASSOCIATES at 6F, SK Iidabashi Bldg, 4-5-12, Iidabashi, Chiyoda-ku, Tokyo 102-0072 Japan do solemnly and sincerely declare that the English text in the middle column of Exhibit A is a correct translation of the allowed claims of PCT/JP2008/051479, which are faithfully reproduced in the left column of Exhibit A, to the best of my knowledge.

Dated this 11 day of January, 2011

Hidejiro Tanigawa

Hidejiro Tanigawa
TANIGAWA AND ASSOCIATES

EXHIBIT A

Claim No.	International Application No. PCT/JP2008/051479 in Japanese	International Application No. PCT/JP2008/051479 in English	Claim No.	US Application No. 12/525,364 after Preliminary Amendment
1	一般式(I) [化1]  (I) [式中、R1は炭素数1～6のアルキル、R2は炭素数1～6のアルキル、R3およびR5はそれぞれ独立して炭素数1～6のアルキル、炭素数1～6のハロアルキル、炭素数1～6のアルコキシまたはハロゲン、R4は水素または炭素数1～6のアルコキシ、である。] で示されるベンジルアミン誘導体もしくはその薬学的に許容される酸付加塩。	A benzylamine derivative represented by General Formula (I)  (I) (wherein R^1 is C_1-C_6 alkyl; R^2 is C_1-C_6 alkyl; R^3 and R^5 are each independently C_1-C_6 alkyl, C_1-C_6 haloalkyl, C_1-C_6 alkoxy or halogen; and R^4 is hydrogen or C_1-C_6 alkoxy) or a pharmaceutically acceptable acid addition salt thereof.	1	A benzylamine derivative represented by General Formula (I)  (I) (wherein R^1 is C_1-C_6 alkyl; R^2 is C_1-C_6 alkyl; R^3 and R^5 are each independently C_1-C_6 alkyl, C_1-C_6 haloalkyl, C_1-C_6 alkoxy or halogen; and R^4 is hydrogen or C_1-C_6 alkoxy) or a pharmaceutically acceptable acid addition salt thereof.
2	R1はメチル、エチル、プロピル、イソプロピルまたはtert-ブチル、 R2はメチル、エチル、プロピルまたはイソプロピル、 である請求項1に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩。	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1, wherein: R^1 is methyl, ethyl, propyl, isopropyl or tert-butyl; and R^2 is methyl, ethyl, propyl or isopropyl.	2	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1, wherein: R^1 is methyl, ethyl, propyl, isopropyl or tert-butyl; and R^2 is methyl, ethyl, propyl or isopropyl.
3	R3およびR5はそれぞれ独立してメチル、エチル、フルオロメチル、ジフルオロメチル、トリフルオロメチル、メトキシ、エトキシまたはhalo、 R4は水素、メトキシ、エトキシ、プロポキシまたはイソプロポキシ、 である請求項1または2に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩。	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1 or 2, wherein: R^3 and R^5 are each	3	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1, wherein: R^3 and R^5 are each

Claim No.	International Application No. PCT/JP2008/051479 in Japanese	International Application No. PCT/JP2008/051479 in English	Claim No.	US Application No. 12/525,364 after Preliminary Amendment
		independently methyl, ethyl, fluoromethyl, difluoromethyl, trifluoromethyl, methoxy, ethoxy or chloro; and R^4 is hydrogen, methoxy, ethoxy, propoxy or isopropoxy.		independently methyl, ethyl, fluoromethyl, difluoromethyl, trifluoromethyl, methoxy, ethoxy or chloro; and R^4 is hydrogen, methoxy, ethoxy, propoxy or isopropoxy.
4	R^2はメチル、 R^3およびR^5はそれぞれ独立してメチル、エチル、フルオロメチル、ジフルオロメチル、トリフルオロメチル、メトキシ、エトキシまたはクロロ、 R^4は水素、メトキシ、エトキシ、プロポキシまたはイソプロポキシ、 である請求項1～3のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される塩。	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any one of claims 1 to 3, wherein: R^2 is methyl; R^3 and R^5 are each independently methyl, ethyl, fluoromethyl, difluoromethyl, trifluoromethyl, methoxy, ethoxy or chloro; and R^4 is hydrogen, methoxy, ethoxy, propoxy or isopropoxy.	4	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1, wherein: R^2 is methyl; R^3 and R^5 are each independently methyl, ethyl, fluoromethyl, difluoromethyl, trifluoromethyl, methoxy, ethoxy or chloro; and R^4 is hydrogen, methoxy, ethoxy, propoxy or isopropoxy.
5	R^1およびR^2はメチル、 R^3およびR^5はそれぞれ独立してメチル、トリフルオロメチル、メトキシまたはクロロ、 R^4は水素またはメトキシ、 である請求項1～4のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される塩。	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any one of claims 1 to 4, wherein: R^1 and R^2 are methyl; R^3 and R^5 are each independently methyl, trifluoromethyl, methoxy or chloro; and R^4 is hydrogen or methoxy.	5	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1, wherein: R^1 and R^2 are methyl; R^3 and R^5 are each independently methyl, trifluoromethyl, methoxy or chloro; and R^4 is hydrogen or methoxy.

Claim No.	International Application No. PCT/JP2008/051479 in Japanese	International Application No. PCT/JP2008/051479 in English	Claim No.	US Application No. 12/525,364 after Preliminary Amendment
6	R^1およびR^2はメチル、 R^3およびR^5は同時にメチル、トリフルオロメチル、メトキシまたはクロロ、 R^4は水素、 である請求項1～5のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩。	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any one of claims 1 to 5, wherein: R^1 and R^2 are methyl; R^3 and R^5 are simultaneously methyl, trifluoromethyl, methoxy or chloro; and R^4 is hydrogen.	6	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1, wherein: R^1 and R^2 are methyl; R^3 and R^5 are simultaneously methyl, trifluoromethyl, methoxy or chloro; and R^4 is hydrogen.
7	請求項1～6のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩を含有する医薬。	A pharmaceutical comprising the benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any one of claims 1 to 6.	7	A pharmaceutical comprising the benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1.
8	請求項1～6のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩を含有する頻尿もしくは尿失禁の治療または予防剤。	A therapeutic or prophylactic agent for pollakiuria or urinary incontinence, comprising said benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any one of claims 1 to 6.	8	A therapeutic or prophylactic agent for pollakiuria or urinary incontinence, comprising said benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1.
9	請求項1～6のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩の有効量を投与することを含む頻尿もしくは尿失禁の治療または予防方法。	A method for therapy or prophylaxis of pollakiuria or urinary incontinence, comprising administering an effective amount of said benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any one of claims 1 to 6.	9	A method of treating or prophylaxis of pollakiuria or urinary incontinence, comprising administering an effective amount of said benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1.
10	頻尿もしくは尿失禁を治療または予防するための医薬の製造における、請求項1～6のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩の使用。	Use of said benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any	10	A pharmaceutical compound for treating or preventing pollakiuria or urinary incontinence comprising the

Claim No.	International Application No. PCT/JP2008/051479 in Japanese	International Application No. PCT/JP2008/051479 in English	Claim No.	US Application No. 12/525,364 after Preliminary Amendment
		one of claims 1 to 6, for the production of a pharmaceutical for treating or preventing pollakiuria or urinary incontinence.		benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1 and at least one other therapeutic or prophylactic agent for urinary dysfunction or diseases that cause urinary dysfunction.
11	頻尿もしくは尿失禁を治療または予防するための、請求項1～6のいずれか1項に記載のベンジルアミン誘導体またはその薬学的に許容される酸付加塩。	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to any one of claims 1 to 6, for treating or preventing pollakiuria or urinary incontinence.	11	The benzylamine derivative or the pharmaceutically acceptable acid addition salt thereof according to claim 1, that treats or prevents pollakiuria or urinary incontinence.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,364	07/31/2009	Ryoji Hayashi	TAN-09-1215	7174

35811 7590 08/11/2011
IP GROUP OF DLA PIPER LLP.(US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER
JAVANMARD, SAHAR

ART UNIT	PAPER NUMBER
1627	

NOTIFICATION DATE	DELIVERY MODE
08/11/2011	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):

pto.phil@dlapiper.com

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AUG 1 1 2011

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

In re Application of	:	DECISION ON REQUEST TO
HAYASHI, ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/525,364	:	PROSECUTION HIGHWAY
Filed: July 31, 2009	:	PROGRAM AND PETITION
Attorney Docket No. TAN-09-1215	:	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 January 11, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition comply with the above requirements. It is noted that an Office action on the merit was mailed on July 22, 2011. However, the petition filed on January 11, 2011 was just brought to my attention. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

/Cecilia Tsang/
Supervisory Patent Examiner
TC 1600

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,370	03/15/2010	Michael Ottleben	03100512AA	7270

30743 7590 01/31/2011
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

ART UNIT	PAPER NUMBER
1746	

MAIL DATE	DELIVERY MODE
01/31/2011	PAPER

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

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

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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

Applicant: Ottleben
Appl. No.: 12/525,370
Filing Date: March 15, 2010
Title: METHOD FOR PRODUCING AN ORTHESIS
Attorney Docket No.: 03100512AA
Pub. No.: US 2010/0186885 A1
Pub. Date: July 29, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on January 19, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

02/01/2011 KKING1 00000001 502041 12525370
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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

MAILED
JUN 21 2011
OFFICE OF PETITIONS

Applicant: Ottleben
Appl. No.: 12/525,370
International Filing Date: January 31, 2008
Title: METHOD FOR PRODUCING AN ORTHESIS
Attorney Docket No.: 03100512AA
Pub. No.:2010/0186885 A1
Pub. Date: July 29, 2010

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

The request is granted.

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

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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MAILED
MAR 07 2012
OFFICE OF PETITIONS

IM IP Law PLLC
P.O. Box 355
Scarsdale NY 10583

In re Application of	:	
Morard	:	
Application No. 12/525,400	:	NOTICE
Filed: November 4, 2009	:	
Attorney Docket No. GRYN271US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed January 18, 2012.

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

MAILED
JAN 12 2011
OFFICE OF PETITIONS

Applicant: Casimiro, et al.
Appl. No.: 12/525,442
International Filing Date: December 24, 2007
Title: PHARMACEUTICAL COMPOSITION COMPRISING AN ANTI-CD6 MONOCLONAL ANTIBODY USED IN THE DIAGNOSIS AND TREATMENT OF RHEUMATOID ARTHRITIS
Attorney Docket No.: 014811-727.250CU
Pub. No.: US 2010/0092423 A1
Pub. Date: April 15, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 11, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of the fourth inventor Ruby Alonso Ramirez was misprinted as Ruby Alonao Ramirez.

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

The error on the front page of the publication wherein the spelling of the fourth inventor's name is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical 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

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JAN 05 2012

PCT LEGAL ADMINISTRATION

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of OHTA et al. Application No.: 12/525,469 PCT No.: PCT/JP2008/051637 Int. Filing Date: 01 February 2008 Priority Date: 07 February 2007 Attorney's Docket No.: OHTA3007/GAL For: MATERIAL FOR FORMING ELECTROLESS PLATE, COATING SOLUTION FOR ADHERING CATALYST, METHOD FOR FORMING ELECTROLESS PLATE, AND PLATING METHOD	:	DECISION

This decision is in response to applicants' "REQUEST FOR CONSOLIDATION" filed 21 November 2011 in the above-identified application number.

BACKGROUND

On 01 February 2008, applicant filed international application PCT/JP2008/051637 which designated the U.S. and claimed a priority date of 07 February 2007. The thirty-month period for paying the basic national fee in the United States expires at midnight on 07 August 2009.

On 31 July 2009, at 16:29:00, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The international application number keyed into EFS-Web was PCT/JP08/51637. The submission was accompanied by a Deposit Account authorization to charge the U.S. Basic National Fee. These papers were identified with attorney docket number OHTA3007/GAL. These application papers were assigned application number **12/525,462.**

On 31 July 2009, at 16:42:24, applicants filed another set of national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The international application number keyed into EFS-Web was PCT/JP2008/051637. These papers were also identified with attorney docket number OHTA3007/GAL. The U.S. Basic National Fee was included. These application papers were assigned application number **12/525,469**.

On 09 October 2009, in application number **12/525,462**, the United States Designated/Elected Office (DO/EO/US) issued a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 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 31 July 2009 and a 35 U.S.C. 371 date of 31 July 2009.

On 04 October 2010, in application number **12/525,469**, the United States Designated/Elected Office (DO/EO/US) issued a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 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 31 July 2009 and a 35 U.S.C. 371 date of 31 July 2009.

On 21 November 2011, in application number **12/525,469**, applicants filed the instant "REQUEST FOR CONSOLIDATION."

DISCUSSION

As is evident from the above recited facts, applicant submitted two sets of papers to enter the national stage for the same international application. (International application numbers PCT/JP08/51637 and PCT/JP2008/051637 both denote the same international application.) The submission of two sets of national stage papers to enter the United States is improper.

35 U.S.C. 363 states:

> An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in 102(e) of this title. (emphasis added)

Further, 35 U.S.C. 371(b) states:

> (b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22(1) or (2), or under article 39(1)(a) of the treaty. (emphasis added)

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international application. The EFS-Web filings filed 31 July 2009 indicate that each submission is a "U.S. National Stage under 35 USC 371" of PCT/JP2008/051637. No conflicting instructions appear in the application papers. Accordingly, each submission should have been treated as a national stage application submitted under 35 U.S.C. 371. In that only one national stage of a PCT application is permitted, it would have been proper for all of the submissions to be placed in a single application and assigned a single application number. The papers from application number 12/525,462 have been placed in application number **12/525,469**.

CONCLUSION

For the reasons set forth above, applicants' request for consolidation is **GRANTED**.

For the reasons set forth above, the papers from application number 12/525,462 have been placed in application file **12/525,469**.

Applicant should use application number **12/525,469** in all future communications with the USPTO in regards to the U.S. national stage of international application PCT/JP2010/051637.

For the reasons set forth above, the NOTICE OF ACCEPTANCE mailed 09 October 2009 in application number 12/525,462 is hereby VACATED.

For the reasons set forth above, the Filing Receipt mailed 09 October 2009 and the Filing Receipt mailed 27 October 2009, both mailed in application number 12/525,462, 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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,557	09/10/2009	Minami Ishii	17401/179001	9151

22511 7590 01/14/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
MAUNG, NAY AUNG

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
01/14/2011	ELECTRONIC

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

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

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

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

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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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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
ISHII, MINAMI et al	:	DECISION ON REQUEST TO
Application No. 12/525,557	:	PARTICIPATE IN PATENT
Filed: September 10, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 17401/179001	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 30, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 6 above.

Regarding item 6, while applicants have submitted IDS's listing documents cited by JPO examiner in the JPO office action along with copies of the documents, not all documents have been listed with copies submitted. The submitted IDS's failed to include the document "Japanese Laid-Open Patent Application No. 2002-391407" which was also cited by the JPO examiner in the JPO office action. An IDS listing the document JP 2002-391407 along with a copy of the document is required.

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,557	09/10/2009	Minami Ishii	17401/179001	9151

22511 7590 03/03/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
MAUNG, NAY AUNG

ART UNIT	PAPER NUMBER
2618	

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):

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
ISHII, MINAMI et al	:	DECISION ON REQUEST TO
Application No. 12/525,557	:	PARTICIPATE IN PATENT
Filed: September 10, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 17401/179001	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 14, 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 now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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MAILED

AUG 15 2011

PCT LEGAL ADMINISTRATION

KEVIN D. MCCARTHY
ROACH BROWN MCCARTHY & GRUBER, P.C.
424 MAIN STREET
1920 LIBERTY BUILDING
BUFFALO NY 14202

In re Application of KATZIR et al. Application No.: 12/525,579 PCT No.: PCT/IL2007/001425 Int. Filing Date: 19 November 2007 Priority Date: 19 February 2007 Attorney's Docket No.: 0-09-144 (20811/US/06) For: FRUIT JUICE AND PUREE WITH A LOWERED AMOUNT OF AVAILABLE SUGARS	:	DECISION ON PAPERS UNDER 37 CFR 1.42

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 11 February 2010.

BACKGROUND

On 19 November 2007, applicants filed international application PCT/IL2007/001425 which designated the U.S. and claimed a priority date of 19 February 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 August 2008. The thirty-month period for paying the basic national fee in the United States expires at midnight on 19 August 2009.

On 03 August 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 10 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed 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 24 September 2009, applicants filed a submission which included a declaration of inventors. The indication in the declaration that inventor Michael SHEMER is deceased was properly treated as a request for status under 37 CFR 1.42.

On 22 December 2009, a decision was issued refusing applicants' request for status under 37 CFR 1.42.

On 11 February 2010, applicants filed the instant renewed petition under 37 CFR 1.42.

DISCUSSION

The submission filed 11 February 2010 is in compliance with 37 CFR 1.42. The declaration filed 11 February 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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MAILED
MAR 23 2012
OFFICE OF PETITIONS

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of	:
Veres, et al.	: DECISION ON PETITION
Application No. 12/525,716	:
Filed: July 6, 2009	:
Atty. Dkt. No.: P22709-US1	:

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 2012.

The petition is **GRANTED**.

The application became abandoned February 29, 2012 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice), mailed November 28, 2011. The Notice set a set a three month statutory period of time for reply. Notice of Abandonment was mailed March 9, 2012.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED
APR 09 2012
OFFICE OF PETITIONS

In re Application of
Peter Harvey, et al.
Application No.: 12/525,746
Filed: 24 November 2009
Attorney Docket No.: 046944-0003
For: **DATA MANAGEMENT SYSTEM**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 02 February 2012, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, IPAU, APO, RU, SPTO, PRV, SIPO 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.

The petition fails to meet requirement (5), as examination of the application has already begun. Consequently, the request to participate in the PPH pilot program and petition cannot be granted.

Telephone inquiries concerning this decision should be directed to Sherry D. Brinkley at 571-272-3204.

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

Anthony Knight
Director
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	12525777
Filing Date	04-Aug-2009
First Named Inventor	Alan Anderson
Art Unit	2167
Examiner Name	MARIELA REYES
Attorney Docket Number	40581.0001USWO
Title	SYSTEM AND METHOD FOR PROVIDING REPRESENTATION FOR PRO BONO OPPORTUNITIES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23552

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	Lanny Anderson
Address	1596 Meyerwood Circle
City	Highlands Ranch
State	CO
Postal Code	80129
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/George C. Lewis/
Name	George C. Lewis
Registration Number	53214

UNITED STATES 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 19,2011

In re Application of :

Alan Anderson

Application No : 12525777

Filed : 04-Aug-2009

Attorney Docket No : 40581.0001USWO

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 19,2011

The request is **APPROVED.**

The request was signed by George C. Lewis (registration no. 53214) on behalf of all attorneys/agents associated with Customer Number 23552 . All attorneys/agents associated with Cusotmer Number 23552 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	Lanny Anderson
Name2	
Address 1	1596 Meyerwood Circle
Address 2	
City	Highlands Ranch
State	CO
Postal Code	80129
Country	US

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

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

Office of Petitions

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MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN, TX 78716-4140

MAILED
OCT 20 2010
PCT LEGAL ADMINISTRATION

In re Application of KNOWLES et al :
U.S. Application No.: 12/525,908 :
PCT Application No.: PCT/US2008/053223 :
Int. Filing Date: 06 February 2008 : DECISION
Priority Date Claimed: 06 February 2007 :
Attorney Docket No.: F614 :
For: HIGH PRESSURE CHARGED PARTICLE :
BEAM SYSTEM :

This is in response to applicant's request for status under 37 CFR 1.42 filed 27 August 2010.

BACKGROUND

On 06 February 2008, applicant filed international application PCT/US2008/053223, which claimed priority of an earlier United States application filed 06 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 August 2009.

On 05 August 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 09 December 2009, applicant filed an executed declaration.

On 19 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 August 2010, applicant filed the present request for status under 37 CFR 1.42

DISCUSSION

The declaration states that joint inventor William Knowles is deceased.

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed on 09 December 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 19 August 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 February 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 December 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/26/12

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction for Appl. No.: 12525913 Patent No.: 8039680

CofC mailroom date: 02/17/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Should the PCT Filing date be changed**

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: _____

/Susanna Moore/
3/2/2012
acting SPE

1621

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA, VA 22314

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of

Michel NAUCHE
Application No. 12/525,916
Filed: August 5, 2009
Attorney Docket No. **0604-1060**

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) 272-3700. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

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

24 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
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Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

In re Application of	:	
BORTOLETTO et al.	:	
U.S. Application No. 12/525,942	:	
PCT No.: PCT/BR2007/000299	:	
Int. Filing Date: 01 November 2007	:	
Priority Date: 05 February 2007	:	DECISION ON PETITION
Attorney Docket No.: DSBI-0010	:	
For: ICE-MAKING MACHINE	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 20 August 2010. In a decision dated 25 June 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Anderson Bortoletto, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 20 August 2010 with the present petition was executed by the named inventor, the previous non-signing inventor, Anderson Bortoletto. The declaration filed 20 August 2010 is acceptable under 37 CFR 1.497. However, the declaration is defective pursuant to 37 CFR 1.497(a)(3) which requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." Section 201.03 of the Manual of Patent Examining Procedure states, in part,

> 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 . . . For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor . . .

Here, the declaration filed on 20 August 2010 is executed by Anderson Bortoletto but fails to identify the third, fourth, and fifth inventors, which is improper. Thus, applicants are required to file a declaration which complies with 37 CFR 1.497(a) and (b).

A proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). A proper response must include a declaration which identifies all the inventors in compliance with 37 CFR 1.497(a)-(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
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

MAILED

JAN 31 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
BORTOLETTO et al.	:	
U.S. Application No. 12/525,942	:	
PCT No.: PCT/BR2007/000299	:	DECISION ON PETITION
Int. Filing Date: 01 November 2007	:	
Priority Date: 05 February 2007	:	
Attorney Docket No.: DSBI-0010	:	
For: ICE-MAKING MACHINE	:	

This decision is issued in response to applicant's Renewed Petition under 37 CFR 1.47(a) filed on 07 October 2010.

DISCUSSION

In a Decision mailed on 24 September 2010, the petition under 37 CFR 1.47(a) was determined to have been rendered MOOT in view of the submission of an executed declaration, by the previous nonsigning inventor. However, said declaration was not accepted because:

> the declaration is defective pursuant to 37 CFR 1.497(a)(3) which requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." Section 201.03 of the Manual of Patent Examining Procedure states, in part, 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 . . .

In response, petitioner has resubmitted the prior filed declaration(s) (dated 06 April 2010 and 20 August 2010) as a single six (6) page declaration. The filed declaration materials consist of:

> (1) a first page (Page 1 of 3), identified as "Declaration for Utility or Design Patent Application;"

(2) "Page 2 of 3" identifying the Claim of Foreign Priority Benefit;

(3) "Page 3 of 3" identifying the first inventor, Anderson Bortoletto;

(4) an Additional Inventor(s) Supplemental Sheets which identifies Vanessa Christina Ribeiro, Fernando Luiz Freltas Filho, Rogerio Soares Brisola, and Cristiano Felipe. This page is executed by Vanessa Christina Ribeiro, Fernando Luiz Freltas Filho, and Rogerio Soares Brisola;

(5) an Additional Inventor(s) Supplemental Sheets which identifies Cristiano Felipe. This page is executed by Cristiano Felipe; and

(6) a Declaration (37 CFR 1.63 for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) identifying Anderson Bortoletto and Vanessa Christina Ribeiro as inventors. This page is executed by Anderson Bortoletto.

However, a review of said declaration reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. In this situation, the composite declaration is defective because it appears that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration.[1] Either alternative renders the submitted declaration defective under 37 CFR 1.497.

DECISION

The declaration is NOT ACCEPTED without prejudice.

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). A proper response must include a declaration which identifies all the inventors in compliance with 37 CFR 1.497(a)-(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

[1]Pages 1-5 of said declaration was submitted on 06 April 2010; page 6 of said declaration, which was subsequently attached to pages 1-5, was previously was submitted on 20 August 2010.

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
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Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

MAILED

MAY 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BORTOLETTO et al. :
U.S. Application No. 12/525,942 :
PCT No.: PCT/BR2007/000299 : DECISION ON PETITION
Int. Filing Date: 01 November 2007 :
Priority Date: 05 February 2007 :
Attorney Docket No.: DSBI-0010 :
For: ICE-MAKING MACHINE :

This decision is issued in reply to applicant's "Renewed Petition under 37 CFR 1.47(a)" filed on 29 March 2011.

DISCUSSION

In a Decision mailed on 31 January 2011, the petition under 37 CFR 1.47(b) was indicated to have been rendered MOOT in view of the submission of an executed declaration. However, the said declaration was not accepted because:

> a review of said declaration reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. In this situation, the composite declaration is defective because it appears that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. (Pages 1-5 of said declaration was submitted on 06 April 2010; page 6 of said declaration, which was subsequently attached to pages 1-5, was previously was submitted on 20 August 2010.) Either alternative renders the submitted declaration defective under 37 CFR 1.497.

In response, counsel has provided a declaration signed by Anderson Bortoletto, the previous nonsigning inventor, which satisfies the requirements of 37 CFR 1.497(a)-(b).

DECISION

The petition under 37 CFR 1.47(a) remains DISMISSED AS MOOT.

The declaration filed on 29 March 2011 is ACCEPTED for purposes of 37 CFR 1.497(a)-(b).

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. The 35 U.S.C. 371(c) date is **29 March 2011**.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,967	08/05/2009	Hiroshi Yanagimoto	Q114352	2806

23373 7590 04/13/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
LEE, JINHEE J

ART UNIT	PAPER NUMBER
2835	

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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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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**
YANAGIMOTO et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/525,967	**: PROSECUTION HIGHWAY**
Filed: 05 August 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: Q114352	**: TO MAKE SPECIAL UNDER**
For: CIRCUIT BOARD AND METHOD	**: 37 CFR 1.102(a)**
FOR MANUFACTURING THE SAME	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 11 March 2011, to make the above-identified application special.

The request and petition are GRANTED.

Discussion

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

1. The U.S. application is

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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36218
KLARQUIST SPARKMAN, LLP (OTT-NIH)
121 S.W. Salmon Street
Suite 1600
Portland, OR 97204-2988

MAILED

MAR 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
BIRRER *et al*
U.S. Application No.: 12/526,025
PCT No.: PCT/US2008/053225
Int. Filing Date: 06 February 2008
Priority Date: 06 February 2007
Attorney Docket No.: 4239-77326-03
For: A GENE EXPRESSION PROFILE THAT PREDICTS OVARIAN CANCER SUBJECT RESPONSE TO CHEMOTHERAPY

DECISION

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

BACKGROUND

On 17 September 2010, a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) was mailed indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and additional claim fees must be provided. Applicants were given two months to respond.

On 18 January 2011, applicants submitted a response which was accompanied by, *inter alia*, a preliminary amendment; a petition under 37 CFR 1.47(a); a declaration signed by three of the four named inventors; a petition fee of $200.00; a two-month extension fee of $490.00; a statement of Karri Kuenzli Bradley; and documentary evidence in support of the petition (Exhibits 1 - 12).

DISCUSSION

Applicants claim that one of the inventors, Tomas A. BONOME, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or 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 (1), (3) and (4) of 37 CFR 1.47(a) are satisfied in the petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants provided a statement of facts by Ms. Bradley who declares that a complete copy of the subject application and a declaration was provided to Mr. BONOME by email to two different email addresses on 3-4 November 2010 (Exhibits 1-2). A Confirmation of Delivery to one of the email addresses was provided (Exhibit 3), and a read receipt to the other email address (Exhibit 4) was also submitted. No response from Mr. BONOME was received.

A review of the evidence shows that a complete copy of the subject application and a copy of the declaration was provided to and received by the nonsigning inventor by email. The failure to respond constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

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

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 February 2008, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 18 January 2011.

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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[1] Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is listed in the petition. A declaration signed by three named inventors on behalf of the nonsigning inventor was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of section 409.03(a) of the MPEP.

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Tomas Bonome
305 10th Street, N.E.
Washington, DC 20002

MAILED
MAR 28 2011
PCT LEGAL ADMINISTRATION

In re Application of
BIRRER *et al*
U.S. Application No.: 12/526,025
PCT No.: PCT/US2008/053225
Int. Filing Date: 06 February 2008
Priority Date: 06 February 2007
Attorney Docket No.: 4239-77326-03
For: A GENE EXPRESSION PROFILE THAT PREDICTS OVARIAN CANCER SUBJECT RESPONSE TO CHEMOTHERAPY

Mr. Bonome:

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

KLARQUIST SPARKMAN, LLP (OTT-NIH)
121 S.W. Salmon Street
Suite 1600
Portland, OR 97204-2988

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

MAILED

MAY 03 2011

OFFICE OF PETITIONS

Applicant: Duran, et al.
Appl. No.: 12/526,090
International Filing Date: February 8, 2008
Title: Napadisylate Salt of 5-2-{[6-(2,2-Difluoro-2-Phenylethoxyl]Amino}-1-Hydroxyethyl)-8-Hydroxyquinolin-2(1h)-One as Agonist of the Beta 2 Adrenergic Receptor
Attorney Docket: 09605.0055-00000
Pub. No.: US 2010/0093682 A1
Pub. Date: April 15, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 15, 2010, for the above-identified application.

The request is granted-in-part.

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 with respect to the claims is granted.

The error noted by requestor with respect to the preliminary amendment to the specification 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.

[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).

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. MPEP 201.11(F).

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

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23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 Clarendon Blvd.
Suite 1400
Arlington, VA 22201

MAILED

DEC 01 2010

PCT LEGAL ADMINISTRATION

In re Application of :
IKEDA, Hajime :
U.S. Application No.: 12/526,125 :
PCT No.: PCT/JP2008/052384 :
Int. Filing Date: 06 February 2008 :
Priority Date: 07 February 2007 :
Docket No.: SEIWA-0045 :
For: LIQUID CRYSTAL DEVICE :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 04 October 2010 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided on 04 October 2010 with the subject petition.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

- 1 OCT 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 18415
WASHINGTON DC 20036

In re Application of BUTSUEN et al.	:	DECISION ON
Application No.: 12/526,193	:	
PCT No.: PCT/JP07/72274	:	PETITION UNDER
Int. Filing: 16 November 2007	:	
Priority Date: 17 November 2006	:	37 CFR 1.137(a)
Attorney Docket No.: 8967-96674	:	
For: DRIVE DEVICE	:	
	:	

The petition to revive under 37 CFR 1.137(b) filed 06 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was "unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), an English translation of the international application, the surcharge for filing the oath or declaration and the processing fee for filing the English translation after the thirty-month period are required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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

PTO/SB/20PCT-JP (01-10)
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:	12/526,195	Filing date:	06. 08. 2009
First Named Inventor:	Satoshi Sakuma		
Title of the Invention:	TRANSPARENT MOLDED BODY AND ANTIREFLECTIVE MEMBER USING 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.

The corresponding PCT application number(s) is/are: PCT/JP2008/052191

The international date of the corresponding PCT application(s) is/are: 08. 02. 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).**

- [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.**

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 06. 08. 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 06. 08. 2009

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 JPO AND THE USPTO

(continued)

Application No.:	12/526,195
First Named Inventor:	Satoshi Sakuma

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially no difference
2	2	Substantially no difference
3	3	Substantially no difference
4	4	Substantially no difference
5	5	Substantially no difference

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

IV. Payment of Fees: Fees may be charged to Deposit Account No. 50-0310.

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature	/Robert J. Goodell/	Date	24 Sep 2010
Name (Print/Typed)	Robert J. Goodell	Registration Number	41,040

PCT/JP2008/052191

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44*bis*.3(c) and 72.2)

To:

SHIGA, Masatake
1-9-2, Marunouchi
Chiyoda-ku, Tokyo 100-6620
JAPON

RECEIVED
CO '09. 8. 28
SHIGA INTL PATENT OFFICE

Date of mailing *(day/month/year)* 20 August 2009 (20.08.2009)	
Applicant's or agent's file reference PC-11117	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2008/052191	International filing date *(day/month/year)* 08 February 2008 (08.02.2008)
Applicant MITSUBISHI RAYON CO., LTD. et al	

1. **Transmittal of the translation to the applicant.**

☑ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

RECEIVED '09. 8. 28 SHIGA INTL PATENT OFFICE

Applicant's or agent's file reference PC-11117	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/052191	International filing date *(day/month/year)* 08 February 2008 (08.02.2008)	Priority date *(day/month/year)* 09 February 2007 (09.02.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant MITSUBISHI RAYON CO., LTD.		

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 4 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 11 August 2009 (11.08.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

RECEIVED
'09. 8. 28
SHIGA INTL PATENT OFFICE

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference PC-11117	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/052191	08.02.2008	09.02.2007

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

Applicant
MITSUBISHI RAYON CO., LTD.

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

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 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 be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*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/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/052191

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/JP2008/052191

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	1-5	YES
	Claims		NO
Inventive step (IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2005-43749 A (Fuji Photo Film Co., Ltd.), 17 February 2005, paragraphs [0091], [0092], and [0107]

Document 2: JP 2001-183506 A (Sony Corp.), 06 July 2001, claims

Document 3: JP 11-217560 A (Sumitomo Osaka Cement Co., Ltd.), 10 August 1999, claims

The invention as in claims 1-5 is not disclosed in any of the documents cited in the ISR and is novel. In particular, none of the documents discloses "a transparent molded body in which the aforementioned uneven layer has an uneven structure wherein an interval between adjacent protruding sections is equal to or less than a wavelength of visible light, water contact angle of the surface of the aforementioned uneven layer is equal to or less than 25, and the elastic modulus of the surface of the aforementioned uneven layer is equal to or greater than 200 MPa.

請求の範囲

[1] 透明基板と、前記透明基板の少なくとも一方の表面に形成された活性エネルギー線硬化性組成物の硬化物からなる凹凸層とを含む透明成形体であって、前記凹凸層は、隣り合う凸部同士の間隔が可視光の波長以下である凹凸構造を有し、前記凹凸層の表面の水接触角が25° 以下、かつ前記凹凸層の表面の弾性率が200MPa以上であることを特徴とする透明成形体。

[2] 前記凹凸層を形成する活性エネルギー線硬化樹脂が、4官能以上の多官能(メタ)アクリレート単位10～50質量部、2官能以上の親水性(メタ)アクリレート単位30～80質量部、単官能単量体単位0～20質量部の重合体からなる請求項1記載の透明成形体。

[3] 前記2官能以上の親水性(メタ)アクリレート単位がポリエチレンジアクリレート単位(エチレングリコールの平均繰り返し単位が6～40)である請求項2記載の透明成形体。

[4] 前記2官能以上の親水性(メタ)アクリレート単位がポリエチレンジアクリレート単位(エチレングリコールの平均繰り返し単位が9～30)である請求項2記載の透明成形体。

[5] 請求項1～4に記載の透明成形体を用いることを特徴とする反射防止物品。

VERIFICATION OF TRANSLATIONS

Re: Claims of International Patent Application (PCT Appln. No. PCT/JP2008/052191)

Address: I, Rumi IWASAKI of c/o SHIGA INTERNATIONAL PATENT OFFICE, GranTokyo South Tower 1-9-2 Marunouchi, Chiyoda-ku, Tokyo, Japan, hereby declare that I am the translator of the documents listed above and certify that the translations are true translations to the best of my knowledge and belief.

Signature of Translator: Rumi Iwasaki Rumi IWASAKI

Dated this: September, day of 9, 2010.

CLAIMS

1. A transparent molded body comprising a transparent substrate and an uneven layer composed of a cured product of an active energy ray-curable composition formed on at least one surface of the transparent substrate, wherein the uneven layer has an uneven structure having a gap between the adjacent convex portions equal to or less than the wavelength of visible light, the water contact angle of the surface of the uneven layer is equal to or less than 25°, and the modulus of elasticity of the surface of the uneven layer is equal to or more than 200 MPa.

2. The transparent molded body as described in claim 1, wherein the active energy ray-curable resin for forming the uneven layer preferably comprises a polymer composed of 10 to 50 parts by weight of tetrafunctional or greater polyfunctional (meth)acrylate units, 30 to 80 parts by weight of bifunctional or greater hydrophilic (meth)acrylate units, and 0 to 20 parts by weight of monofunctional monomer units.

3. The transparent molded body as described in claim 2, wherein the bifunctional or greater hydrophilic (meth)acrylate units are polyethylene diacrylate units (number ofthe average repeating units of ethylene glycol: 6 to 40).

4. The transparent molded body as described in claim 2, wherein the bifunctional or greater hydrophilic (meth)acrylate units are polyethylene diacrylate units (number of the average repeating units of ethylene glycol: 9 to 30).

5. An antireflective member obtained by using the transparent molded body as

described in any one of claims 1 to 4.

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.
12/526,195	01/21/2010	Satoshi Sakuma	056819-5020	4451

9629 7590 11/09/2010
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER
LONEY, DONALD J

ART UNIT	PAPER NUMBER
1783	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of	
SAKUMA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/526,195	**: PARTICIPATE IN THE PCT PATENT**
Filed: 21 January 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: 056819-5020	**: PROGRAM AND PETITION**
For: TRANSPARENT MOLDED BODY	**: TO MAKE SPECIAL UNDER**
AND ANTIREFLECTIVE MEMBER	**: 37 CFR 1.102(d)**
USING THE SAME	

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

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

if the latest international work product is not in the English language;

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

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

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

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

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

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

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MAILED
NOV 10 2011
OFFICE OF PETITIONS

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

Applicants: Georg Werner Reppel, et al.
Appl. No.: 12/526,199
International Filing Date: May 16, 2008
Title: ARTICLE FOR MAGNETIC HEAT EXCHANGE AND METHOD FOR MANUFACTURING AN ARTICLE FOR MAGNETIC HEAT EXCHANGE
Attorney Docket: 0070747-000025
Pub. No.: US 20110048690 A1
Pub. Date: March 3, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 25, 2011, 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 Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/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	12526246
Filing Date	17-Nov-2009
First Named Inventor	Thomas Jager
Art Unit	2837
Examiner Name	THOMAS DOUGHERTY
Attorney Docket Number	434299-948
Title	DEVICE FOR CONVERTING MECHANICAL IMPACT ENERGY INTO ELECTRICAL ENERGY WITH OPTIMISED EFFICIENCY

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	/Christopher M. Mooney/
Name	Christopher M. Mooney
Registration Number	65539

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 : November 28,2011

In re Application of :

Thomas Jager

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12526246

Filed : 17-Nov-2009

Attorney Docket No : 434299-948

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 28,2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2837 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
1400 Wewatta Street
Suite 400
DENVER CO 80202-5549

MAILED
MAR 31 2011
PCT LEGAL ADMINISTRATION

In re Application of
YONENO et al
Application No.: 12/526,261
PCT No.: PCT/US2008/53301
Int. Filing Date: 07 February 2008
Priority Date: 07 February 2007
Attorney Docket No.: P72340US
For: SYSTEM FOR ...
LUGGAGE CASE

DECISION

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF... DESIGNATED/ELECTED OFFICE (DO/EO/US)," which is being treated as a petition under 37 CFR 1.181, filed on 20 January 2011 indicating that the executed declaration filed on November 29, 2010 contains the correct spelling of the second joint inventor's last name **HUYGHE**.

BACKGROUND

On 06 August 2009, applicants filed in the United States Patent and Trademark Office (PTO) via EFS-WEB a national stage application accompanied by, *inter alia*, the basic national fee. Applicants also submitted an executed declaration.

On 14 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).... Stating that applicant submitted a combined declaration.... Please submit a newly executed declaration.

On 29 November 2010, applicants filed a newly executed declaration.

On 21 December 2010, the United States Designated/Elected Office (DO/EO/US) re-mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) mailed on 9/14/10.

On 20 January 2011, applicants responded with the current petition, which states that the executed Declaration, with the second named inventor listed as Luc HUYGHE is his correct spelling.

DISCUSSION

The correct name of the second joint-inventor is "**Luc HUYGHE**" as filed in the executed declaration on 29 November 2010, and not as it appeared in the publication of the international application. The petition states that the discrepancy of his name was because it was incorrectly spelled in the international application because of a typographical error but now has been corrected. Accordingly, the correct name, **Luc HUYGHE**, now appears in the declaration as filed on 29 November 2010 to the USPTO.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED** that the correct spelling of the first joint inventor is **Luc HUYGHE**.

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

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MAILED

AUG 17 2011

PCT LEGAL ADMINISTRATION

Say Systems Ltd
PO Box 17223
Karori
Wellington 6147 NZ

In re Application of GIBSON Serial No.: 12/526,263 PCT No.: PCT/NZ08/00026 Int. Filing Date: 11 February 2008 Priority Date: 09 February 2007 Attorney's Docket No.: NONE For: MONITORING AND DISPLAYING ACTIVITIES	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 June 2011 in the above-captioned application is hereby **GRANTED** .

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant paid the claims fees of $26 and the petition fee of $810 (small entity). Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The declaration executed by sole inventor is acceptable and in compliance with 37 CFR 1.497(a) and (b).

This application is being 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 August 2009.

/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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AUG 18 2011

PCT LEGAL ADMINISTRATION

Say Systems Ltd
PO Box 17223
Karori
Wellington 6147 NZ

In re Application of GIBSON Serial No.: 12/526,263 PCT No.: PCT/NZ08/00026 Int. Filing Date: 11 February 2008 Priority Date: 09 February 2007 Attorney's Docket No.: NONE For: MONITORING AND DISPLAYING ACTIVITIES	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 June 2011 in the above-captioned application is hereby **GRANTED** .

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant paid the claims fees of $26 and the petition fee of $810 (small entity). Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The declaration executed by sole inventor is acceptable and in compliance with 37 CFR 1.497(a) and (b).

This application is being 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 August 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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UNITED STATES 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.
12/526,279	08/07/2009	Yutaka Takaoka	10672.0006-00000	5122

22852 7590 02/25/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
LI, CE LI

ART UNIT	PAPER NUMBER
3661	

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.

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FEB 25 2011

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

In re application of	:	**DECISION ON REQUEST TO**
Yutaka Takaoka	:	**PARTICIPATE IN PATENT**
Application No. 12/526,279	:	**PROSECUTION HIGHWAY**
Filed: August 07, 2009	:	**PROGRAM AND PETITION**
For: ENVIRONMENT MAP GENERATING	:	**TO MAKE SPECIAL UNDER**
METHOD AND MOBILE ROBOT	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 03, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed January 03, 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: 02/25/11

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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.
12/526,298		Mamoru Kobayashi	SDF 09-15	5233

7590 09/20/2010
FRENKEL & ASSOCIATES
3975 UNIVERSITY DR., STE. 330
FAIRFAX, VA 22030

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
09/20/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Harmes

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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PCT LEGAL ADMINISTRATION

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of	:	DECISION ON
AKALIN et al.	:	
Application No.: 12/526,359	:	PETITION UNDER
PCT No.: PCT/US2008/053280	:	
Int. Filing Date: 07 February 2008	:	37 CFR § 1.47(b)
Priority Date: 07 February 2007	:	
Attorney Docket No.: 8304-00-TB	:	
For: MAGNETIC TOOTHBRUSH AND HOLDER	:	

This is a decision on applicants' "PETITION UNDER 37 C.F.R. § 1.47(a)", which has properly been treated as a petition under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 23 February 2011. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 07 February 2008, applicants filed international application PCT/US2008/053280, which designated the US and claimed a priority date of 07 February 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 August 2009.

On 07 August 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 23 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 February 2011, applicants submitted the instant petition under 37 CFR 1.47(b), which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, two declarations of facts by Emily Rhoden with documentation in support thereof, and a declaration of facts by Michele Konrad with documentation in support thereof.

DISCUSSION

Although applicants filed the instant petition under 37 CFR 1.47(a), it has properly been treated as a petition under 37 CFR 1.47(b) because no inventor is available to make the application. A petition under 37 CFR 1.47(b) involves, *inter alia*, the additional requirement of providing proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application. If one of the inventors were to execute a declaration of inventors, the petition would then properly be one under 37 CFR 1.47(a) and this element would not need to be established.

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.

Items (1), (3), and (6) have been met.

Item (2)

Regarding non-signing inventor Feza OZENC, item (2) has been met. It has been established that he was presented with a copy of the application papers (the declaration of Emily Rhoden with supporting documentation and the declaration of Michele Konrad and the facsimile transmission from FedEx). His behavior constitutes a refusal to sign.

Regarding non-signing inventor Burak AKALIN, item (2) has not been met. It is not clear whether it is being alleged that Mr. Akalin refuses to execute the application or that he cannot be reached after diligent effort. The two are distinct. *See, e.g.,* MPEP 409.03(d), item I. "Inventor Cannot Be Reached" and item II. "Refusal to Join."

Refusal to Join

If it is being alleged that Mr. Akalin refuses to sign, it must be established that he was presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "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)." Here, it is not clear that Mr. Akalin was presented with a copy of the specification including claims and drawings. The correspondence mailed 10 January 2011was returned to sender. Thus, it is not clear whether Mr. Akalin still lives at this address and perhaps refused delivery or whether he has moved.

Inventor Cannot Be Reached

If it is being alleged that Mr. Akalin cannot be reached or found, MPEP § 409.03(d), item I, 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.

No facts describing attempts locate Mr. Akalin have been provided..

Item (4)

Item (4) has not been met. A copy of the declaration of inventors signed on behalf of and as agent for the non-signing inventor by the 37 CFR 1.47(b) applicant has not been provided.

Item (5)

Item (5) has not been met. 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 items discussed in the portion of the MPEP reproduced above 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

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DEC 20 2011

PCT LEGAL ADMINISTRATION

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of	:	DECISION ON
AKALIN et al.	:	
Application No.: 12/526,359	:	PETITION UNDER
PCT No.: PCT/US2008/053280	:	
Int. Filing Date: 07 February 2008	:	37 CFR § 1.47(a)
Priority Date: 07 February 2007	:	
Attorney Docket No.: 8304-00-TB	:	
For: MAGNETIC TOOTHBRUSH AND HOLDER	:	

A NOTICE OF ABANDONMENT, Decision on Petition, was issued on 19 July 2011. However, this NOTICE was issued in error. The decision issued 25 March 2011 set a two-month extendable time period for response. Thus, a response filed by 25 May 2011 would have been timely without a petition/fee for an extension of time. However, a response filed 27 December 2011 (25 December 2011 being a Sunday and 26 December 2011 being a Federal holiday) also would have been timely if it was filed with a five-month petition/fee for extension of time. Accordingly, the NOTICE OF ABANDONMENT, Decision on Petition, issued 19 July 2011 is hereby **VACATED**.

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 25 July 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 07 February 2008, applicants filed international application PCT/US2008/053280, which designated the US and claimed a priority date of 07 February 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 August 2009.

On 07 August 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 23 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form

PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 February 2011, applicants submitted a petition under 37 CFR 1.47(b), which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, two declarations of facts by Emily Rhoden with documentation in support thereof, and a declaration of facts by Michele Konrad with documentation in support thereof.

On 25 March 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(b).

On 25 July 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a declaration of inventors signed by previously non-signing inventor Feza OZENC, a new declaration of facts by Emily Rhoden with documentation in support thereof, a new declaration of facts by Michele Konrad with documentation in support thereof, and a declaration of facts by Judy Chung.

DISCUSSION

Because a declaration of inventors signed by one of the joint inventors has been provided, the petition is properly treated as a petition under 37 CFR 1.47(a) rather than as a renewed petition under 37 CFR 1.47(b).

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.

Items (1), (3), and (4) have been met.

Item (2) has been met as well. It has been established that non-signing inventor Burak AKALIN was presented with the application papers. Mr. AKALIN's conduct constitutes a refusal to sign. It is not clear from the declaration of facts by Judy Chung how it was known that the call that went to voicemail on May 19, 2011 was the voicemail of Mr. AKALIN. Nevertheless, even without this phone call, the evidence of record is sufficient to establish that item (2) has been met.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **25 July 2011**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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DEC 20 2011

PCT LEGAL ADMINISTRATION

Mr. Burak Akalin
Yenikent Mah Mutlukent
Pinar Bolklari 3/9,
Gzebe Kocaeli, TURKEY

In re Application of
AKALIN et al.
Application No.: 12/526,359
PCT No.: PCT/US2008/053280
Int. Filing Date: 07 February 2008
Priority Date: 07 February 2007
Attorney Docket No.: 8304-00-TB
For: MAGNETIC TOOTHBRUSH AND HOLDER

Dear Mr. Akalin:

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/

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COLGATE-PALMOLIVE COMPANY
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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.
12/526,361	08/07/2009	Tadafumi Yoshida	Q114439	5543

23373 7590 03/22/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
03/22/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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

In re Application of	:	
YOSHIDA, TADAFUMI et al	:	DECISION ON REQUEST TO
Application No. 12/526,361	:	PARTICIPATE IN PATENT
Filed: Aug. 7, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q114439	:	PROGRAM AND PETITION
For: SEMICONDUCTOR ELEMENT COOLING	:	MAKE SPECIAL UNDER
STRUCTURE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 18, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH 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. 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 165/80 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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180 NORTH STETSON AVENUE
CHICAGO, IL 60601

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MAR 30 2011
OFFICE OF PETITIONS

Applicant: Yilmazoglu, et al.
Appl. No.: 12/526,534
International Filing Date: January 31, 2008
Title: GUNN DIODE
Attorney Docket No.: 811930
Pub. No.: 2010/0163837 A1
Pub. Date: July 1, 2010

This is a decision on the request for correction of 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 material error on the front page of the publication wherein the Foreign Application priority data is not printed correctly.

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

The error in the foreign priority data on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The correct priority data is in the first line of the specification. The error in the 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.

[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).

Application No. 12/526,534

On March 22, 2010, a Filing Receipt was mailed by the Office, which incorrectly listed the foreign application priority data. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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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EXXONMOBILE UPSTREAM RESEARCH COMPANY
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(CORP-URC-SW 359)
HOUSTON, TX 77252-2189

MAILED
DEC 07 2010
OFFICE OF PETITIONS

Applicant: Hornbostel, et al.
Appl. No.: 12/526,611
International Filing Date: April 2, 2008
Title: METHOD FOR ELECTROSEISMIC SURVEY DESIGN
Attorney Docket: 2007EM126
Pub. No.: US 2010/0039114 A1
Pub. Date: February 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 21, 2010 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title of the invention "METHOD FOR ELECTROMAGNETIC SURVEY DESIGN" is misprinted as "METHOD FOR ELECTROSEISMIC SURVEY DESIGN".

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 April 21, 2010, was not timely filed under 37 CFR 1.221(b).

Furthermore, the error on the front page of the publication wherein the title of the invention misprints the word "ELECTROMAGNETIC" as "ELECTROSEISMIC" may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error does not affect the

[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).

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.

It is noted that the preliminary amendment received with the application list the title as "METHOD FOR ELECTROSEISMIC SURVEY DESIGN".

On November 6, 2009, a Filing Receipt was mailed by the Office, which improperly listed the title of the invention. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

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

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

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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JAN 07 2011
OFFICE OF PETITIONS

Applicant: Katter et al.
Appl. No.: 12/526,669
International Filing Date: February 12, 2007
Title: Article For Magnetic Heat Exchange And Methods Of Manufacturing The Same
Attorney Docket: 0070747-000026
Pub. No.: US 2010/0047527 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 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 in claim 117, wherein the temperature "1500" should be "1150° C".

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

The error in dependent claim 117 wherein "1150" was misprinted as "1500" may be an Office error, but is not a material Office error under 37 CFR 1.221. The typographical error in the dependent claims is not a material Office error because the claims were correctly published in the PCT application as WO 2008/099234. The misprint does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference.

[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).

Furthermore, the specification, list the correct temperature "1150° C". While the claim erroneously presents the incorrect temperature "1500" rather than "1150° C", the specification presents the correct temperature, thus one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim.

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

6 AUG 2010

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

C. R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd St
PO Box 1740
Tempe AZ 85280-1740

In re Application of BALES, Thomas, et al. Application No.: 12/526,690 PCT No.: PCT/US2008/053326 Int. Filing Date: 07 February 2008 Priority Date: 06 February 2007 Docket No.: 289-PDD-06-71-US-[83P For: HIGHLY FLEXIBLE STENT AND METHOD OF MANUFACTURE	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 11 June 2010.

BACKGROUND

On 05 May 2010, the Office mailed Decision On Petition, dismissing applicants' petition and setting a two month period for reply.

On 11 June 2010, applicants filed this renewed petition under 37 CFR 1.47(a), accompanied by a declaration of the inventors.

DISCUSSION

The declarations furnished on 11 June 2010 comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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10 AUG 2010

C. R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe AZ 85280-1740

In re Application of	DECISION ON
Bales et al	
Application No: 12/526,711	
PCT No.: PCT/US2008/053319	
Int. Filing Date: 07 February 2008	PETITION UNDER
Priority Date: 12 February 2007	
Attorney's Docket No.: 289-PDD-06-72-US	
For: HIGHLY FLEXIBLE STENT AND METHOD OF MANUFACTURE	37 CFR 1.47(a)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" submitted on 11 June 2010.

BACKGROUND

The decision by this Office dated 29 April 2010 indicated that requirements (2) and (4) had not been satisfied.

On 11 June 2010, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by all the inventors including co-inventor Peter K. Kratsch.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of	:	
PLATTEEL, et al	:	
Application No. 12/526,749	:	DECISION ON PETITION
Filed: October 8, 2009	:	TO WITHDRAW
Attorney Docket No. 93189U	:	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 29, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, the Office requires the practitioner(s) requesting withdrawal to certify that he, she or they have:

(1) given reasonable notice to the client, prior to the expiration of the response period, that practitioner(s) intends to withdraw from employment;

(2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40(c).

Petitioner has not complied with items (1) and (3) of the above-identified certifications.

Further, the request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. 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. 37 CFR 3.71 states:

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

Since there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address indicated on the Request to Withdraw.

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

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

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

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:	12/526,788	Filing date:	August 12, 2009
First Named Inventor:	Gunnar Mildh		
Title of the Invention:	Method and an Arrangement for Legacy Fallback Between Communication Network 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/SE2009/0505041

The international date of the corresponding PCT application(s) is/are: May 13, 2009

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

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

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

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

(continued)

Application No.:	12/526,788
First Named Inventor:	Gunnar Mildh

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

☑ Is attached

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

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

☑ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 22, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
33	1	[Note: Patentable PCT Claims attached to IPRP]
34	1	US Claim 34 includes additional, narrowing limitations
35-37	3-5	
38	6	
39	6	US Claim 39 includes additional, narrowing limitations
40	8	
41	9	
42	9	US Claim 42 includes additional, narrowing limitations
43-45	11-13	
46	14	
47	14	US Claim 47 includes additional, narrowing limitations
48	16	

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

Signature /Todd A. Cason, Reg No 54,020/	Date November 30, 2010
Name (Print/Typed) Todd A. Cason	Registration Number 54,020

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.
12/526,788	08/12/2009	Gunnar Mildh	4015-6560 / P26379-US2	9734

27045 7590 01/25/2011
ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER

ART UNIT	PAPER NUMBER
2469	

NOTIFICATION DATE	DELIVERY MODE
01/25/2011	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):

kara.coffman@ericsson.com
jennifer.hardin@ericsson.com
melissa.rhea@ericsson.com

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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: GUNNAR MILDH
Application No. 12526788
Filed: August 12, 2009
For: METHOD AND AN ARRANGEMENT FOR LEGACY FALLBACK BETWEEN COMMUNICATION NETWORK SYSTEMS

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

MAILED

JAN 25 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 30, 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 one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

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

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

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

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

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

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

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

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

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/526,800	08/12/2009	Makoto Hirai	2009_1258A	9821

513 7590 08/22/2011
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
KREINER, MICHAEL B

ART UNIT	PAPER NUMBER
3644	

NOTIFICATION DATE	DELIVERY MODE
08/22/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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AUG 19 2011

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re application of Hirai et al. Application No. 12/526,800 Filed: August 12, 2009 For: HIGH-LIFT DEVICE, WING, AND NOISE REDUCTION STRUCTURE FOR HIGH-LIFT 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 June 30, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

US claim 12 does not have a corresponding claim to the allowable/patentable claim in the JPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

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

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/18/11

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/526,800	08/12/2009	Makoto Hirai	2009_1258A	9821

513 7590 09/01/2011
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
KREINER, MICHAEL B

ART UNIT	PAPER NUMBER
3644	

NOTIFICATION DATE	DELIVERY MODE
09/01/2011	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):

ddalecki@wenderoth.com
eoa@wenderoth.com

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 3 1 2011

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United States Patent and Trademark Office
P.O. Box 1450
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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re application of	:	**DECISION ON REQUEST TO**
Hirai et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/526,800	:	**PROSECUTION HIGHWAY**
Filed: August 12, 2009	:	**PROGRAM AND PETITION**
For: HIGH-LIFT DEVICE, AND	:	**TO MAKE SPECIAL UNDER**
NOISE REDUCTION STRUCTURE	:	**37 CFR 1.102(a)**
FOR HIGH LIFT DEVICE		

This is a substitute decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 30, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/31/11

UNITED STATES PATENT AND TRADEMARK OFFICE

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1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

MAILED

MAR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of PYTLIK et al	:	
U.S. Application No.: 12/526,808	:	
PCT Application No.: PCT/EP2008/001218	:	
Int. Filing Date: 16 February 2008	:	DECISION
Priority Date Claimed: 16 February 2007	:	
Attorney Docket No.: RUF-09-1223	:	
For: GALVANIC ELEMENT WITH A HIGH CAPACITY	:	

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

BACKGROUND

On 16 February 2008, applicant filed international application PCT/EP2008/001218, which claimed priority of an earlier Germany application filed 16 February 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 21 August 2008. The thirty-month period for paying the basic national fee in the United States expired on 17 August 2009.

On 12 August 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 27 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 30 July 2010, this Office mailed a decision dismissing the 12 April 2010 petition.

On 31 January 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 (1), (3), and (4) above.

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

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

The petition states that joint inventor Dejan Ilic cannot be found. The petition sufficiently demonstrates that a diligent effort was made to locate Ilic. Specifically, applicant unsuccessfully attempted to contact Ilic by postal mail, by visiting Ilic's last known address, by searching directories, and by contacting Ilic's former employer (see affidavits of Tatiana Korschewitz and Michael Eberle). Thus, it can be concluded with reasonable certainty that Ilic cannot be reached.

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 16 February 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 April 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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Dejan Ilic
Badgasse 5/26
73479 Ellwangen
GERMANY

MAILED

MAR 1 1 2011

PCT LEGAL ADMINISTRATION

In re Application of PYTLIK et al
U.S. Application No.: 12/526,808
PCT Application No.: PCT/EP2008/001218
Int. Filing Date: 16 February 2008
Priority Date Claimed: 16 February 2007
For: GALVANIC ELEMENT WITH A HIGH CAPACITY

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

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-09-1223

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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of	:	
ARBESMAN, RAY, et al.	:	DECISION ON REQUEST TO
Application No. 12/526,829	:	PARTICIPATE IN PATENT
Filed: September 25, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. DEET/0053	:	PROGRAM AND PETITION
For: PRECUT ADHESIVE BODY SUPPORT	:	TO MAKE SPECIAL UNDER
ARTICLES AND SUPPORT SYSTEM	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 16, 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 Patricia Bianco, SPE of Art Unit 3772, and 571-272-4940 for Class 602 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/526,854	08/12/2009	Hideo Nakamura	Q114371	1227

23373 7590 05/04/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
05/04/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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

In re Application of	
NAKAMURA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/526,854	**: PARTICIPATE IN THE PATENT**
Filed: 12 August 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: Q114371	**: PROGRAM AND PETITION**
For: SEMICONDUCTOR POWER	**: TO MAKE SPECIAL UNDER**
CONVERSION APPARATUS AND	**: 37 CFR 1.102(a)**
METHOD OF MANUFACTURING THE	
SAME	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 20 April 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 (if the translation is not a machine translation provided by the JPO);
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

2 8 SEP 2010

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

In re Application of	:	
BONRATH, Werner, et al.	:	
Application No.: 12/526,860	:	DECISION
PCT No.: PCT/EP2008/001169	:	
Int. Filing Date: 15 February 2008	:	ON REQUEST UNDER
Priority Date: 16 February 2007	:	
Attorney's Docket No.: BHD-4662-1256	:	37 CFR 1.497(d)
For: NEW REACTION WITH PRIMARY	:	
ALLYLIC ALCOHOLS	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 20 July 2010.

BACKGROUND

On 28 December 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 28 May 2010, applicants filed a declaration of the inventors listing six inventors, including Michael H. Valkenberg, accompanied by the fee for a three month extension of time.

On 02 June 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration listed an additional inventor not listed in the international application.

On 20 July 2010, applicants filed this petition to add inventor Michael H. Valkenberg as an inventor in this application, accompanied by the balance of the five month extension of time fee.

DISCUSSION

Applicants file this request to add Michael H. Valkenberg , as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) 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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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

MAILED

JAN 13 2011

OFFICE OF PETITIONS

Applicant: Harold E, Garey
Appl. No.: 12/526,874
International Filing Date: February 13, 2008
Title: BIOCOMPATIBLE POLYMERS, POLYMER TIE-COATS, METHODS OF MAKING AND USING THE SAME, AND PRODUCTS INCORPORATING THE POLYMERS
Attorney Docket: M51-002
Pub. No.: US 2010/0104880 A1
Pub. Date: April 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 18, 2010, for the above-identified application.

The request is DISMISSED.

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

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

The error on the front page of the publication wherein the title of the invention an extra hyphen (-) is added following the word "TIE-COATS" may be an Office error, but it is a not material Office error under 37 CFR 1.221(b). The error does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application

[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).

publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/527,041	01/15/2010	Hisao Nishimori	346923US26PCT	1626

22850 7590 09/09/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ZHANG, JUE

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
09/09/2011	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):

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**
NISHIMORI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/527041	**: PROSECUTION HIGHWAY**
Filed: 15 January 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 346923US26PCT	**: TO MAKE SPECIAL UNDER**
For: POWER CONVERSION DEVICE	**: 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 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 Colleen Dunn at 571-272-1170.

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

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

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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OFFICE OF PETITIONS

DESIGN IP P.C.
5100 W. TILGHMAN STREET
SUITE 205
ALLENTOWN PA 18104

In re Application of	:	
Brian K. Wax	:	
Application No. 12/527,102	:	DECISION ON PETITION
Filed: October 21, 2009	:	TO WITHDRAW
Attorney Docket No. MDA-P0001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2011.

The request is **APPROVED**.

The request was signed by Damon A. Neagle on behalf of the practitioners of record associated with Customer Number 35775.

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

All future correspondence will be directed to inventor Brian K. Wax at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Brian K. Wax
P.O. Box 513
Mercer Island, WA 98040

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/527,102	10/21/2009	Brian K. Wax	MDA-P0001

CONFIRMATION NO. 2040

POWER OF ATTORNEY NOTICE

35775
DESIGN IP, P.C.
5100 W. TILGHMAN STREET
SUITE 205
ALLENTOWN, PA 18104

OC000000051243324

Date Mailed: 12/02/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/14/2011.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/527,102	10/21/2009	Brian K. Wax	MDA-P0001

CONFIRMATION NO. 2040

POA ACCEPTANCE LETTER

Brian K. Wax
P.O. Box 513
Mercer Island, WA 98040

OC000000051243325

Date Mailed: 12/02/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/14/2011.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2010

Commissioner for Patents
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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: FUKONO, Takuji, et al.	:	
U.S. Application No.: 12/527,124	:	DECISION REGARDING
PCT No.: PCT/JP2008/054795	:	SUBMISSION UNDER
International Filing Date: 14 March 2008	:	37 CFR 1.42
Priority Date: 02 April 2007	:	
Attorney Docket No.: 705136	:	
For: THERAPEUTIC TABLET FOR	:	
POSTHERPETIC NEURALGIA	:	
AND METHOD OF TREATING	:	
POSTHERPETIC NEURALGIA	:	

This decision is issued in response to applicants' submission on 13 August 2009 of a declaration executed on behalf of deceased inventor Hiromasa ARAKI.

BACKGROUND

On 14 March 2008, applicants filed international application PCT/JP2008/054795. The international application claimed a priority date of 02 April 2007, and it designated the United States. On 09 October 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., 02 October 2009.

On 13 August 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, an English translation of the international application, payment of the basic national fee, and a declaration executed by the seven surviving inventors and on behalf of deceased inventor Hiromasa ARAKI by the deceased inventor's legal representative, Fumiko ARAKI. 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 13 August 2009 includes the required citizenship, residence, and mailing address information for Fumiko ARAKI, the person signing the declaration on behalf of deceased co-inventor Hiromasa ARAKI, and it expressly identifies Fumiko ARAKI as the "legal 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 Hiromasa ARAKI 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 August 2009.

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Patrick Scott Alban
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MAILED

NOV 23 2010

PCT LEGAL ADMINISTRATION

In re Application of
COCHRANE *et al*
Application No.: 12/527,135
PCT No.: PCT/GB2008/000524
Int. Filing Date: 15 February 2008
Priority Date: 15 February 2007
Attorney's Docket No.: 102641-1P US
For: BINDING MEMBERS FOR IGE MOLECULES

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

The decision is in response to applicants' "Petition Under 37 C.F.R. § 1.181(a) to Withdraw Holding of Abandonment " filed on 24 September 2010. No fee is required.

BACKGROUND

On 13 August 2009, applicants filed papers to enter the national stage of PCT/GB2008/000524 using the USPTO EFS-Web system. No fees were provided.

On that same day, applicants filed via facsimile a letter and Fee Transmittal sheet authorizing that any required fees be charged to Deposit Account No. 50-3231.

On 25 August 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to provide the full U.S. Basic National Fee by thirty months pursuant to 37 CFR 1.495(b)(2).

On 24 September 2010, applicants filed the subject petition to withdraw the holding of abandonment under 37 CFR 1.181.

DISCUSSION

Applicants' petition for withdrawal of the holding of abandonment for failing to pay the U.S. Basic National Fee by thirty months.

Applicants claim that the above-captioned application should not have been abandoned because applicants timely filed a letter which authorized that the required fee be charged to applicants Deposit Account. As such, the requirements of 35 U.S.C. 371 were met.

Applicants explain that upon initial filing on 13 August 2009, they received an "in progress" message at the time of attempting to pay fees using the EFS-Web system and were unable to pay the fees. Therefore, applicants sent a letter and Fee Transmittal sheet via facsimile.

A review of the above-captioned application verifies that a letter and Fee Transmittal sheet were received via facsimile on 13 August 2010. The letter authorized the Office to "charge any fees to deposit account No. 50-3231. However, as stated in MPEP § 1893.01(a)(1) in relevant part:

> Facsimile transmission is not acceptable for submission of the basic national fee and/or the copy of the international application. *See* 37 CFR 1.6(d). Likewise, the certificate of mailing procedures of 37 CFR 1.8 do not apply to the filing of the copy of the international application and payment of the basic national fee. *See* 37 CFR 1.8(a)(2)(i)(F).

Accordingly, the letter and Fee Transmittal sheet filed via facsimile to pay the U.S. Basic National Fee were not accepted. The Form PCT/DO/EO/909 mailed 25 August 2009 was properly sent.

CONCLUSION

For the reason discussed above, applicants' petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, applicants must submit a renewed response within **TWO (2) MONTHS** from the mail date of this decision. Applicants may also file a petition to revive under 37 CFR 1.137(a) or 1.137(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.

James Thomson

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Attorney Advisor
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MAR 02 2011

PCT LEGAL ADMINISTRATION

In re Application of :
COCHRANE *et al* :
Application No.: 12/527,135 :
PCT No.: PCT/GB2008/000524 :
Int. Filing Date: 15 February 2008 :
Priority Date: 15 February 2007 :
Attorney's Docket No.: 102641-1P US :
For: BINDING MEMBERS FOR IGE :
MOLECULES :

DECISION

Applicants' petition to revive under 37 CFR 1.137(b) filed on 06 January 2011 is hereby **GRANTED** as follows:

The U.S. Basic National fee and the petition fee have 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 United States Designated/Elected Office for further processing.

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WASHINGTON, DC 20007

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JAN 11 2011

PCT LEGAL ADMINISTRATION

In re Application of FERGUSON et al	:	
U.S. Application No.: 12/527,182	:	
PCT Application No.: PCT/GB2008/000500	:	DECISION
Int. Filing Date: 14 February 2008	:	
Priority Date Claimed: 15 February 2007	:	
Attorney Docket No.: 094712-0105	:	
For: WNT3A FOR INHIBITION OF SCARRING	:	

This is in response to the petition under 37 CFR 1.182 filed on 18 November 2010.

BACKGROUND

On 13 August 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. As evidenced by the EFS-Web Electronic Acknowledgement Receipt, the 13 April 2009 submission identified the international application number as "PCT/JP2009/000500". However, the transmittal letter (Form PTO-1390) identified the international application number as "PCT/GB2008/000500".

On 19 October 2010, this Office mailed a communication which indentified the above-noted discrepancy.

On 18 November 2010, applicant filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition states that the incorrect international application number was inadvertently entered into the EFS-Web user interface at the time of national stage submission. A review of the application file reveals that the correct international application number PCT/GB2008/000500 was present on at least one document contained in the 13 August 2009 submission. Accordingly, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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APR 01 2011

PCT LEGAL ADMINISTRATION

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In re Application of	:	
BHATARAH et al.	:	DECISION ON
Serial No.: 12/527,183	:	
PCT No.: PCT/GB08/00516	:	PETITION
Int. Filing Date: 14 February 2008	:	
Priority Date: 114 February 2007	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: SCHL12.002APC	:	
For: DELTA 9 TETRAHYDROCANNABINOL	:	
DERIVATIVES	:	

This decision is in response to applicant's Renewed Petition under 37 CFR 1. 47(a) filed in the United States Patent and Trademark Office on 29 June 2010.

BACKGROUND

The procedural history of this application was provided in the decision mailed on 10 May 2010. The decision dismissing the petition indicated that sufficient proof of the nonsigning inventor's refusal was not provided.

DISCUSSION

Petitioner has now presented the declaration signed by previously nonsigning inventor KEVIN JOHN BATCHELOR. A review of the declarations reveals that the declarations identify and are executed by all the inventors named in the international application including their respective citizenship. The application data sheet states the residency and mailing address of each inventor.

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor KEVIN JOHN BATCHELOR has now been submitted. The declarations are acceptable.

CONCLUSION

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

The declarations, executed by KEVIN JOHN BATCHELOR and the joint inventors, and submitted on 29 June 2010, are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 29 June 2010.

/Cynthia M. Kratz/
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ATLANTA GA 30339-5994

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FEB 03 2011

OFFICE OF PETITIONS

In re Application of :
Krishna V. Palem et al. :
Application No. 12/527,211 :
Filed: August 14, 2009 :
Attorney Docket No. 062012-1690 :

ON PETITION

This is a decision on the petition filed May 14, 2010 under 37 CFR § 1.48(a), and the petition filed to change the order of inventors, filed on even date, which is being treated under 37 CFR 1.182.

The petition under 37 CFR § 1.48(a) is **GRANTED**.
The petition under 37 CFR § 1.182 is **GRANTED**.

The application was filed naming Bilge E. Akgul, Jason M. George, and Harry Bourne Marrand and seeks under 37 CFR § 1.48(a) to amend the inventive entity by the addition of Krishna V. Palem.

37 CFR § 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from *each person being added* and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
(3) the fee set forth in 37 CFR 1.17 (h); and
(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The named inventors and the inventor sought to be added to correct the inventorship of the instant application have each submitted a statement of lack of deceptive intent and an assent of assignee to correction and/or addition of inventor has also been submitted.

The petition bears proof that the 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. The inventorship of this application has been changed by the addition of Krishna V. Palem as a joint inventor.

Additionally, the instant petition under 37 CFR 1.182 has been submitted with a newly executed Declaration and an updated Application Data Sheet.

The order of the names of the inventors has been changed as follows:

(1) Krishna V. Palem
(2) Bilge E. Akgul
(3) Jason M. George
(4) Harry Bourne

Petitioner is advised however that for the petition under 37 CFR 1.182, the petition fee is set at $400 and not $130 as indicated. Therefore, as authorized, petitioner's deposit account no. 20-0778 has been charged in the amount of $70 to make up the difference between that which was paid and that which is due.

This matter will be referred to the Office of Patent Application Processing for issuance of a corrected filing receipt, correction of the file and PTO PALM data to reflect the inventorship as corrected. Thereafter, the matter will be referred to Technology Center 2115.

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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09 SEP 2010

78340
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In re Application of
YE *et al*
U.S. Application No.: 12/527,215
PCT No.: PCT/CN2008/000249
Int. Filing Date: 31 January 2008
Priority Date: 14 February 2007
Attorney Docket No.: 40169.50003
For: CRYSTALLINE FORM OF ENTECAVIR, ITS PREPARATION AND THE PHARMACEUTICAL COMPOSITION AND USES THEREOF

DECISION

This is a decision on the "Response to Notification of Defective Response" filed on 10 June 2010.

BACKGROUND

On 14 August 2009, applicants filed papers for entry into the national stage of PCT/CN2008/000249 which was accompanied by, *inter alia*, a declaration filed pursuant to PCT Rule 4.17(iv) in the international application, and authorization to charge any required fees to Deposit Account No. 50-4538.

On 29 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an English translation of the application and a processing fee was required. The current translation was defective as the number of claims differed from the original international application, and the specification contained an additional paragraph on the last page. A two-month time period for response was set with extensions under 37 CFR 1.136(a).

On 22 March 2010, applicants filed an executed declaration, an English translation, a $130.00 surcharge fee, and a $130.00 processing fee.

On 14 May 2010, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) indicating that additional claim fees of $390.00 were required. Applicants were given one month to respond, or any time remaining in the Form PCT/DO/EO/905 mailed 29 January 2010.

On 10 June 2010, applicants filed the subject response.

DISCUSSION

In the subject response:

(1) applicants state that the application should have been filed as a small entity;
(2) applicants request a refund of $730.00 as a small entity;
(3) any required fees should have been charged to counsel's Deposit Account;
(4) there are no multiple dependencies in the U.S. application; and
(5) the application be reinstated to the original filing date of the application.

These claims will be discussed, in turn.

Small Entity Status and Refund of Fees

In the papers filed 10 June 2010, applicants requested small entity status and a refund of one-half the $1,460.00 fees paid. The change in status to small entity has been awarded. With regards to the refund, 37 CFR 1.28 (a) states, in part that:

> A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

Here, applicants submitted the change in status to a small entity well beyond the three-month time period. As such, applicants' request for a refund cannot be granted.

Notification of Defective Response

A review of the application shows that applicants provided authorization to charge any required fees to Deposit Account No. 50-4538 with the original submission on 14 August 2009.

Therefor, the Form PCT/DO/EO/916 requesting additional claim fees should not have been mailed, and is hereby **VACATED**

It is noted that the (purported) preliminary amendment of the claims (containing 18 claims) filed 14 August 2009 is not in compliance with 37 CFR 1.121. These claims are not accepted. The amended claims filed in the international application (containing

12 claims) will be used to calculate all required fees owed.

Request that the Application be Reinstated

Applicants' request that the petition for consideration to reinstate the original filling date of the application will not be considered for the following reason.

MPEP § 1893.03(b) explains that the filing date of the international stage application is also the filing date for the national stage application. *See* 35 U.S.C. 363. Thus, no action is required on applicants' request. The $400.00 petition fee has been returned to the Deposit Account.

CONCLUSION

Applicants' request for a refund pursuant to 37 CFR 1.28(a) Is hereby **DISMISSED**.

The declaration filed in the international application pursuant to PCT Rule 4.17(iv) is in compliance with 37 CFR 1.497(a) and (b). The surcharge fee of $130.00 is not required and has been credited back to Deposit Account No. 50-4538.

The above-captioned application will be forwarded to the DO/EO/US for further processing. The application has an international filing date of 31 January 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 March 2010.

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

James Thomson

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2 0 SEP 2010

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In re Application of	:	
TASCH, Stefan, et al.	:	
Application No.: 12/527,240	:	DECISION
PCT No.: PCT/EP2008/003387	:	
Int. Filing Date: 25 April 2008	:	ON PETITION UNDER
Priority Date: 30 April 2007	:	
Docket No.: 27392/34723	:	37 CFR 1.47(a)
For: LED MODULE WITH SILICON	:	
PLATFORM	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 15 July 2010.

BACKGROUND

On 16 December 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 15 July 2010, applicants filed a petition under 37 CFR 1.47(a), accompanied by the fee for a five 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), (3) and (4) have been met. The petition fee has been paid. The last known address of the inventor has been furnished. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants contacted Mr. Shepherd via email on 13 July 2010, asking him to execute the declaration for the application. The same day, he responded indicating that he did not believe he was an inventor in the application. On 14 July 2010, applicants sent him a statement to sign indicating he was not an inventor in the application. On

14 July 2010, Mr. Shepherd responds saying that before he signs the statement, he needs to review the documents and may need legal advice. He states he cannot do that that week. This is not conduct consistent with a refusal to cooperate. He is cooperating. Further, the Office regards one month as a reasonable time to review application papers and return them.

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/

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DEC 29 2010

PCT LEGAL ADMINISTRATION

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In re Application of	:	
TASCH, Stefan, et al.	:	
Application No.: 12/527,240	:	DECISION
PCT No.: PCT/EP2008/003387	:	
Int. Filing Date: 25 April 2008	:	ON PETITION UNDER
Priority Date: 30 April 2007	:	
Docket No.: 27392/34723	:	37 CFR 1.47(a)
For: LED MODULE WITH SILICON PLATFORM	:	

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 27 October 2010.

BACKGROUND

On 20 September 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 27 October 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.

Items (1), (3) and (4) were previously satisfied. The petition fee has been paid. The last known address of the inventor has been furnished. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants presented inventor Shepherd with a complete copy of the application papers including the declaration and after the passage of sufficient time, the inventor has not returned the declaration.

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 **15 July 2010**.

/Erin P. Thomson/

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PCT Legal Administration

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DEC 29 2010

PCT LEGAL ADMINISTRATION

Nick Shepherd
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Austria

In re Application of
TASCH, Stefan, et al.
Application No.: 12/527,240
PCT No.: PCT/EP2008/003387
Int. Filing Date: 25 April 2008
Priority Date: 30 April 2007
Docket No.: 27392/34723
For: LED MODULE WITH SILICON PLATFORM

Dear Mr. Shepherd:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
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MAILED
OCT 12 2010
PCT LEGAL ADMINISTRATION

In re Application of
ZINGDE et al
Application No.: 12/527,271
PCT No.: PCT/IN2008/000076
Int. Filing Date: 07 February 2008
Priority Date: 14 February 2007
Attorney's Docket No.: U017838-2
For: AUTOANTIBODIES FOR PROTEIN ...
GINGIVO-BUCCAL COMPLEX

DECISION

This decision is to petitioner's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 23 July 2010, which is being treated as a petition under 37 CFR 1.181, requesting the acceptance of the declaration filed on 21 May 2010 as a properly executed declaration.

BACKGROUND

On 14 August 2009 applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee. However, no properly executed oath or declaration accompanied the international application at such time as the declaration filed under PCT Rule 4.17 was proper.

On 21 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) in that it: the rule 4.17 declaration is missing the PCT international application number in the body of the declaration. The notice set a reply of two months from its date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 21 May 2010, applicants filed an executed declaration; however, it contain two copies of pages 7, and 8 because different co-inventors are listed and they signed the declaration separately on separate copies of the same pages. As such, applicants filed an improper composite declaration.

On 24 June 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: multiple pages of the oath. The notice set a reply of one month from its date of mailing or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is longer. NO extension of this time limit may be granted under 37 1.136 but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

On 23 July 2010, applicants responded to the Notification mailed on 24 June 2010 by submitting a response stating that each of the additional pages at the bottom of the page are added pages to the declaration and that all 14 pages form a single document.

DISCUSSION

Applicants' response is a defective response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 21 December 2009 and the Notice Defective Response (FORM PCT/DO/EO/916) mailed on 24 June 2010 as the declaration filed on 21 May 2010 is a composite declaration and was filed improperly.

For the reason below, the application may not enter into national stage processing at this time.

The composite declaration filed on 21 May 2010 is defective because it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of three sets of declarations, which one is complete because it contains all ten (10) pages, while the second and third set only has the two (2) pages (one which starts with co-inventor SUNDARAM and the second page starts with co-inventor ZINGDE) and is missing the rest of the pages to complete the sets for the declarations.

Copies of the same page is not part of a set of a proper declaration because it is considered a composite declaration and each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures of the inventors as required under 37 CFR 1.497(a)(3).

Thus, the executed declaration filed on 21 May 2010 is improper and a proper executed composite declaration is required.

CONCLUSION

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

MAILED
JUN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Liu et al.	:	DECISION ON PETITION
Application No. 12/527,302	:	TO WITHDRAW
Filed: January 29, 2010	:	FROM RECORD
Attorney Docket No. YALE-104/03US	:	
306577-2220		

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 23, 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 Cooley LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Cooley LLP not having power of attorney. See MPEP §§ 601.03 and 405. Additionally, currently there is no Statement under 37 CFR 3.73(b) of record in the instant application.

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/527,341	03/16/2010	Marc Amour	337580-00010	3762

27160 7590 10/12/2010
KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

EXAMINER

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
10/12/2010	PAPER

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

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

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

In re Application of	:
AMOUR, MARC	:DECISION ON REQUEST TO
Application No. 12/527,341	: PARTICIPATE IN PATENT
Filed: Oct. 2, 2008	: PROSECUTION HIGHWAY
Attorney Docket No. 337580-00010	: PILOT PROGRAM AND PETITION
For: SYSTEM AND METHODS FOR	: TO MAKE SPECIAL UNDER
PROVIDING GAMING	:37 CFR 1.102(d)
ACTIVITIES	

This is a decision on the requests to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed October 5, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU 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 IPAU application(s) containing the allowable/patentable claim(s); and
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. This is to acknowledge the receipt of a list of IPAU allowed claims which correspond to the US claims. IDS listing the documents cited by the Australian examiner in the IPAU office along with copies of documents are also received. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner, David Lewis at 571-272-7673.

This application will be being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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THEODORE J. BIELEN JR.
BIELEN, LAMPE, & THOEMING
1390 WILLOW PASS ROAD
SUITE 1020
CONCORD, CA 94520

MAILED
JUN 30 2011
PCT LEGAL ADMINISTRATION

In re Application of :
BERTOLOTTI, et al. :
U.S. Application No.: 12/527,401 : DECISION ON PETITION
PCT No.: PCT/US2008/054112 :
Int. Filing Date: 15 February 2008 :
Priority Date: 16 February 2007 :
For: RING FOR USE IN PREPARING TEETH :
FOR RESTORATION :

The petition to revive under 37 CFR 1.137(b) filed 07 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided an executed declaration of the inventors in response to the notice of missing requirements mailed 16 December 2009. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 15 February 2008 under 35 U.S.C. 363, and will be given a date of **07 March 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a notice of acceptance.

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

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Lars Svelander
Korngrand 8
Sorberge, Sweden S-86030

MAILED

FEB 17 2011

PCT LEGAL ADMINISTRATION

In re Application of:
SVELANDER, Lars
Application No.: 12/527,423 (12/527,422) :
PCT No.: PCT/SE2007/000868 : DECISION ON PETITION
Int. Filing Date: 30 September 2007 :
Priority Date: 16 February 2007 :
Attorney's Docket No.: None :
For: LIGHTING DEVICE :

This decision is issued in response to applicant's request for correction filed 15 November 2010 in the United States Patent and Trademark Office (USPTO) in application 12/527,422. The request is being treated as a petition under 37 CFR 1.182 to excuse applicant's error upon filing. Applicant has provided the payment of the required $400 petition fee.

BACKGROUND

On 15 August 2009, applicant electronically filed the above-captioned U.S. national stage entry. Applicant identified the international application number as PCT/EP2008/000868. The filed PTO-1390 transmittal letter and other documents identified the underlying international application as PCT/SE2007/000868. These papers were assigned application no. 12/527,422.[1] Applicant subsequently electronically filed a second U.S. national stage entry identifying the international application number as PCT/SE2007/000868. This application was assigned serial number 12/527,423.

On 15 November 2010, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/SE2007/000868. An examination of the originally filed papers finds that the correct international application number was listed on the PTO-1390 transmittal letter and Application Data Sheet filed 15 August 2009. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials

[1]A communication regarding this error was mailed to applicant on 21 September 2010.

satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 15 August 2009 and to permit such materials to be treated as having been directed to international application PCT/SE2007/000868.

As detailed above, applicant has an additional U.S. national stage entry of PCT/SE2007/000868. A Notice of Acceptance has been mailed in this application U.S. serial number 12/527,423. Applicant is advised that there can only be one U.S. national stage application for a given PCT international application. Thus, the filing of two national stage applications is improper. As such, the papers filed 15 August 2009 and assigned serial number 12/527,422 will be moved to application 12/527,423. Application 12/527,423 will continue to be the U.S. National stage entry of international application PCT/SE2007/000868. Application no. 12/527,433 has been discontinued.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

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

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

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

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Saied Ansari, et al.	:	
Application No. 12/527,429	:	DECISION ON PETITION
Filed: June 17, 2010	:	TO WITHDRAW
Attorney Docket No. 63832-8011.US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **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 Jordan M. Becker on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Quantenna Communications, Inc.**
3450 W. Warren Avenue
Fremont, CA 94538

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/527,429	06/17/2010	Saied Ansari	63832-8011.US01

CONFIRMATION NO. 4558

POWER OF ATTORNEY NOTICE

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

OC000000044776564

Date Mailed: 12/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- 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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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
379 Lytton Avenue
Palo Alto, CA 94301

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Saied Ansari, et al.	:	
Application No. 12/527,429	:	DECISION ON PETITION
Filed: June 17, 2010	:	TO WITHDRAW
Attorney Docket No. **25DX-159226**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 21, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton LLP has been revoked by the assignee of the patent application on October 23, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **IP CREATORS**
P.O. 2789
Cupertino, CA 95015

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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of :
Pasquarello et al. :
Application No. 12/527,447 : RESPONSE TO PETITION
Filed: August 17, 2009 :
Attorney Docket No. 2007P00301WOUS :

This is a response to the petition under 37 CFR 1.59(b), filed May 16 2011, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that the Notice of Appeal filed on May 16, 2011 be expunged from the above identified application. The petition submits that this document was inadvertently filed.

However, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the document requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the application. Thus, the decision on the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the document will be removed from the official file. Also, a request for a refund of the fees associated with the Notice of Appeal is recognized as being separate from expunging a document and should be made through a petition under 37 CFR 1.26 that explains how the fee was paid by mistake or in excess of that required.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicants or applicants' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the**

present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

21 SEP 2010

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POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Application of	DECISION ON
FALLDIN et al	
Application No.: 12/527,461	
PCT No.: PCT/SE2008/000137	
Int. Filing Date: 20 February 2008	PETITION UNDER
Priority Date: 07 March 2007	
Attorney's Docket No.: 0245-013	
For: Transformer Arrangement	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 16 July 2010. The petition fee of $200.00 has been paid by credit card.

BACKGROUND

On 20 February 2008, applicants filed international application PCT/SE2008/000137, which claimed priority to an earlier application filed 07 March 2007.

On 17 August 2009, applicants filed a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above the above papers.

On 12 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).

On 16 July 2010, applicants filed a "Petition under 37 CFR 1.47(a)," which included, *inter alia*, an executed declaration signed by Agne Falldin, and declaration by Magnus Palmstiema indicating that co-inventor Fredrik Grivans refuses to sign the declaration.

On 18 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicant that the 371(c)(1), (c)(2) and (c)(4) date is 07/16/2010 and that the date of completion of all 35 U.S.C. 371 is 07/16/2010.

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.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

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. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. 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.

Petitioner has satisfied requirements (1) - (3) of 37 CFR 1.47(a) but not item (4) under 37 CFR 1.47(a).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(g).

Regarding requirement (2), the averments of Magnus Palmstierna are sufficient to support a finding that the nonsigning co-inventor, Mr. Grvans, refuses to sign because a copy of the patent application and declaration were presented to him on January 18, 2010 at his home by Palmstierna but Mr. Grivans expressly refused to execute the declaration for the above national stage application.

Regarding requirement (3), petitioner has provided a statement of the last known address of the nonsigning co-inventor in the petition.

Fredrik Grivans
Strangnsgatan 4
SE-723 34 Vasteras
Sweden

Regarding requirement (4), petitioner has provided an improper executed declaration signed by Agne Falldin (only identifying Falldin) on Falldin's behalf and on behalf of the nonsigning co-inventor Grivans. However, a declaration, under 37 CFR 1.497(a)(3), must identify each inventor. In this instance, Mr. Grivans is not identified on the executed declaration provided. See MPEP § 602.

As a result, the petition has not met all the items under 37 CFR 1.47(a).

Consequently, the Notification of Acceptance (Form PCT/DO/EO/903) mailed on 18 August 2010 was erroneous.

DECISION

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

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 18 August 2010 is **VACATED** with the mailing of this decision.

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-6459

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MAILED
JAN 12 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
FALLDIN et al	:	
Application No.: 12/527,461	:	
PCT No.: PCT/SE2008/000137	:	
Int. Filing Date: 20 February 2008	:	PETITION UNDER
Priority Date: 07 March 2007	:	
Attorney's Docket No.: 0245-013	:	
For: Transformer Arrangement	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 21 November 2010.

BACKGROUND

In a decision from this Office on 21 September 2010, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (4) had not been satisfied.

On 21 November 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 21 September 2010 with respect to accepting the above application without the signature of the nonsigning inventors. Filed with the renewed petition, *inter alia*, is an executed that identifies each of the joint inventors .

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 the 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 21 November 2010 has satisfied item (4) under 37 CFR 1.47(a) as joint inventor Grivans has been identified on the declaration. Thus satisfying all the items under 37 CFR 1.47(a).

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**.

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6312
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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www.uspto.gov

Fredrik Grivans
Strangnsgatan 4
SE-723 34 Vasteras
Sweden

MAILED
JAN 12 2011
PCT LEGAL ADMINISTRATION

In re Application of
FALLDIN et al
Application No.: 12/527,461
PCT No.: PCT/SE2008/000137
Int. Filing Date: 20 February 2008
Priority Date: 07 March 2007
Attorney's Docket No.: 0245-013
For: Transformer Arrangement

Dear: Mr. Grivans

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

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

PTO/SB/20PCT-JP (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 JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/527,636	Filing date:	August 18, 2009
First Named Inventor:	Shibata, Kazuya		
Title of the Invention:	Hair-Shape Controlling 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/JP2008/052819

The international date of the corresponding PCT application(s) is/are: February 20, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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.:	12/527,636
First Named Inventor:	Shibata, Kazuya

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	1	Contains same subject matter
2	2	Contains same subject matter
3	3	Contains same subject matter
4	4	Claim 4 in PCT is a multiple dependent claims Claim 4 of
		U.S. Application contains subject matter of Claim 4 of PCT,
		but depending only upon base Claim 1.
5	4	Claim 4 in PCT is a multiple dependent claim; Claim 4 of
		U.S. Application contains subject matter of Claim 4 of PCT,
		but depending only upon Claim 2 (which is, itself, dependent upon claim 1).
6	4	Claim 4 in PCT is a multiple dependent claim; Claim 4 of
		U.S. Application contains subject matter of Claim 4 of PCT,
		but depending only upon Claim 3 (which is, itself, dependent upon claim 1).

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

Signature	Donald E Townsend, Jr.	Date	February 10, 2011
Name (Print/Typed)	Donald E. Townsend, Jr.	Registration Number	43198

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.
12/527,636	01/11/2010	Kazuya Shibata	SHI-025-USA-PCT	6771

27955 7590 05/24/2011
TOWNSEND & BANTA
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PO BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
05/24/2011	PAPER

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

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

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MAY 2 4 2011

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PO BOX 52050
MINNEAPOLIS, MN 55402

In re Application of	:	DECISION ON REQUEST TO
SHIBATA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/527,636	:	PROSECUTION HIGHWAY
Filed: January 11, 2010	:	PROGRAM AND PETITION
Attorney Docket No. SHI-025-USA-PCT	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 10, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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 fails to comply with the requirement because:

(6) Applicant has not submitted a statement that the English translation of the claims from the PCT application is accurate.

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 Cecilia Tsang at 571-272-0562.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

SHI-025-USA-PCT

DECLARATION AND STATEMENT AFFIRMING THE ACCURACY OF THE ENGLISH TRANSLATION OF THE CLAIMS IN THE CORRESPONDING PCT APPLICATION

I, Yukiko Hara, of Shimura Patent and Trademark Attorneys, Shibuya-Uchida Bldg., 9-3, Sakuragaoka-cho, Shibuya-ku, Tokyo, JAPAN 150-0031, hereby certify that I am the translator of the claims in pending U.S. patent application No. 12/527,636, and certify that these claims are true and accurate translations of the claims of the Japanese language claims as filed in corresponding PCT Application No. PCT/JP2008/052819, filed February 20, 2008,and as published on August 28, 2008, as WO 2008/102792 A1.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature:

Yukiko Hara

Yukiko Hara

Date: June 22, 2011

SHI-025-USA-PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
K. Shibata, et al.

Serial No.: **12/527,636** Art Unit: **To Be Assigned**

Filed: **August 18, 2009** Examiner: **To Be Assigned**

For: **Hair-Shape Controlling Composition**

PETITION TO MAKE SPECIAL UNDER PATENT PROSECUTION HIGHWAY (RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(a))

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

Sir:

In response to the Decision mailed May 24, 2011, the undersigned hereby submits the following item to be considered as afor filing in the above-referenced pending U.S. Patent Application:

1. A Declaration and Statement Affirming The Accuracy Of The English Translation Of The Claims In the Corresponding PCT Application, executed by Ms. Yukiko Hara on June 22, 2011.

In view of Supervisory Patent Examiner Tsang's statements in said Decision, it is believed that all requirements for granting of the Request to Participate in PPH-PCT filed herein on February 10, 2011, are now met. Accordingly, it is respectfully requested that the Request now be granted.

Respectfully submitted,

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.
Reg. No. 43,198

Date: June 22, 2011

TOWNSEND & BANTA
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P.O. Box 52050
Minneapolis, MN 55402
(202) 220-3124

Customer No. 27955

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/527,636	01/11/2010	Kazuya Shibata	SHI-025-USA-PCT	6771

27955 7590 10/11/2011
TOWNSEND & BANTA
Suite 900, South Building
601 Pennsylvania Ave., N.W.
Washington, DC 20004

EXAMINER
OSWECKI, JANE C

ART UNIT	PAPER NUMBER
1616	

NOTIFICATION DATE	DELIVERY MODE
10/11/2011	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):

townsendjr@townsendbanta.com
tamara@townsendbanta.com
don9381@aol.com

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OCT 1 1 2011

TOWNSEND & BANTA
c/o PORTFOLIO IP
PO BOX 52050
MINNEAPOLIS, MN 55402

In re Application of	:	DECISION ON REQUEST TO
SHIBATA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/527,636	:	PROSECUTION HIGHWAY
Filed: January 11, 2010	:	PROGRAM AND PETITION
Attorney Docket No. SHI-025-USA-PCT	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) 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 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 met all the requirements and accordingly petition is Granted.

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 Cecilia Tsang at 571-272-0562.

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

/Cecilia Tsang/
Cecilia J Tsang
Supervisory Patent Examiner
TC 1600

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.
12/527,668	12/29/2009	Kim Bertelsen	5789-113PUS	7077

27799 7590 09/20/2010
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
09/20/2010	PAPER

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

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

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	
BERTELSEN, KIM	:	DECISION ON REQUEST TO
Application No. 12/527,668	:	PARTICIPATE IN PATENT
Filed: Aug. 18, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 5789-113-PUS	:	PROGRAM AND PETITION
For: WIND TURBINE ROTOR BLADE AND METHOD OF MANUFACTURING SUCH ROTOR BLADE	:	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 Sep. 16, 2010 to make the above-identified application special.

The request and petition are GRANTED.

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the examination or status of the application should be directed to Edward Look, the SPE of Art Unit 3745, and (571)272-4820 for Class 416/146 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

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2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

MAILED
JAN 05 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
DORSCH et al	:	
Application No. 12/527,671	:	
PCT No.: PCT/EP2008/000634	:	
Int. Filing Date: 28 January 2008	:	
Priority Date: 21 February 2007	:	PETITION UNDER
Attorney's Docket No.: MERCK-3631	:	
For: 4-(Pyrrolopyridingyl)...	:	
derivatives	:	37 CFR 1.181

This decision is in response to applicant's' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371... OFFICE (DO/EO/US) and PETITION FOR REVIVAL... 37 CFR 1.137(b)," filed on 20 August 2010, which is being treated as a petition under 37 CFR 1.181 to vacate holding of abandonment.

BACKGROUND

On 28 January 2008, this international application was filed, which claimed priority to an application filed on 21 February 2007.

On 18 August 2009, applicants filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee, and an executed declaration.

On 31 December 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.". The Notice stated that the above item must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 18 August 2010, the United States Patent and Trademark Office mailed to the original correspondence address the Notification of Abandonment (PCT/DO/EO/909) because applicant had failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 12/31/2009 within the time period set therein.

Petitioner submitted the instant petition under 37 CFR 1.137(b) but the petition is being treated as a petition under 37 CFR 1.181 to vacate holding of abandonment since the execute declaration was filed on 18 August 2009 at the time petitioner filed the national stage papers.

DISCUSSION

37 CFR 1.181:

A review of the applications shows that applicants properly filed an executed declaration on 18 August 2009 at the time petitioner filed the national stage papers

Consequently, the aforementioned application was improperly abandoned.

For reasons above, the petition under 37 CFR 1.181 is **GRANTED.**

The Notification of Abandonment (PCT/DO/EO/909) mailed 18 August 2010 was in error and is hereby **VACATED**.

37 CFR 1.137(b)

The petition filed on 37 CFR 1.137(b) is **MOOT** because the aforementioned application was improperly abandoned.

As a result, the petition fee of $1,620.00 will be refunded to petitioner's Deposit Account No.: 13-3402.

CONCLUSION

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

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

The Notification of Abandonment (PCT/DO/EO/909) mailed 18 August 2010 was in error and is hereby **VACATED**.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/527,725	10/06/2009	Andrew Richard Gorringe	56841	7659

7590 05/02/2011
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
GANGLE, BRIAN J

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
05/02/2011	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.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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08 SEP 2010

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

In re Application of: ERIKSSON, Tomas, et al.
U.S. Application No.: 12/527,754
PCT No.: PCT/SE2008/050204
Int. Filing Date: 21 February 2008
Priority Date: 23 February 2007
Attorney Docket No.: 06275-0674US1
For: NOVEL COMBINATION OF COMPOUNDS TO BE USED IN THE TREATMENT OF AIRWAY DISEASES ...

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' submission on 05 August 2010 of a declaration executed on behalf of deceased inventor Johan HANSSON by his legal representative Helene Hansson. The submission is considered herein as under 37 CFR 1.42.

BACKGROUND

On 21 February 2008, applicants filed international application PCT/SE2008/050204. The international application claimed a priority date of 23 February 2007, and it designated the United States. On 28 August 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 August 2009.

On 19 August 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 05 January 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 05 August 2010, applicants filed a response to the Notification Of Missing Requirements (with necessary five-month extension fee). The response included payment of the required surcharge and declarations executed by the surviving inventors and on behalf of deceased inventor Johan HANSSON by his legal representative Helene Hansson. The declaration is considered below 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 (or all the heirs) 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 05 August 2010 indicates that inventor Johan HANSSON is deceased and it indicates that the person signing on his behalf, Helene HANSSON, is the legal representative of the deceased inventor. The signature box on the declaration also lists citizenship, residence, and mailing address information; however, it is unclear whether the information is for the deceased inventor or for the legal representative. Moreover, the declaration does not clearly set forth the citizenship of **both** the deceased inventor and the executor, as required. The declaration therefore fails to include all the information required for acceptance under 37 CFR 1.42 and 1.497.

Applicant must provide a revised declaration executed by the legal representative of the deceased inventor that clearly sets forth all information required under 37 CFR 1.497, including the residence, mailing address and citizenship of the legal representative and the citizenship of the deceased inventor.

CONCLUSION

The request for status under 37 CFR 1.42 filed 05 August 2010 is **REJECTED** without prejudice on the present record.

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 by the legal representative of the deceased inventor that includes all information required under 37 CFR 1.497, including a clear statement of the citizenship of the deceased inventor and the citizenship, residence, and mailing address of the legal representative.

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

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

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JAN 28 2011

PCT LEGAL ADMINISTRATION

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

In re Application of: ERIKSSON, Tomas, et al. U.S. Application No.: 12/527,754 PCT No.: PCT/SE2008/050204 Int. Filing Date: 21 February 2008 Priority Date: 23 February 2007 Attorney's Docket No.: 062775-0674US1 For: NOVEL COMBINATION OF COMPOUNDS TO BE USED IN THE TREATMENT OF AIRWAY DISEASES ...	DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the "Petition For Review And Processing By The PCT Legal Office" filed 08 December 2010, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 08 September 2010. The decision dismissed without prejudice applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Johan HANSSON. Specifically, the decision stated that the declaration filed by applicant was not acceptable because it did not include all required information regarding the deceased inventor and his legal representative.

On 08 December 2010, applicant filed the "Petition For Review And Processing By The PCT Legal Office Response" considered herein, accompanied by a revised declaration and the required extension fee.

DISCUSSION

The revised declaration filed on 08 December 2010 has been executed on behalf of the deceased inventor by his legal representative Helene HANNSON. The declaration specifically identifies Helene HANNSON as the legal representative of the deceased inventor, and it includes all information required by 37 CFR 1.497(b)(2) with respect to the legal representative, that is, the legal representative's citizenship, residence, and post office address. The declaration also clearly sets forth the citizenship of the deceased inventor. In view of the above, the revised declaration filed 08 December 2010 is acceptable under 37 CFR 1.42 and 1.497.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 with respect to deceased sole inventor Johan HANSSON 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 08 December 2010.

/RichardMRoss/

Richard M. Ross
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OCT 26 2010

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
ERIKSSON, Tomas, et al.	:	
Application No.: 12/527,760	:	DECISION ON
PCT No.: PCT/SE2008/050203	:	
Int. Filing Date: 21 February 2008	:	REQUEST
Priority Date: 23 February 2007	:	
Attorney Docket No.: 06275-0675US1	:	UNDER 37 CFR 1.42
For: NOVEL COMBINATION ... (COPD)	:	
AND ASTHMA	:	

A review of the declaration reveals an indication that joint inventor Johan Hansson is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 26 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration are required.

On 25 August 2010, applicants filed this request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the information for the living inventors and presumably for the deceased inventor, but not for the legal representative. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web 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

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PCT LEGAL ADMINISTRATION

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

In re Application of	:	
ERIKSSON, Tomas, et al.	:	
Application No.: 12/527,760	:	DECISION ON
PCT No.: PCT/SE2008/050203	:	
Int. Filing Date: 21 February 2008	:	REQUEST
Priority Date: 23 February 2007	:	
Attorney Docket No.: 06275-0675US1	:	UNDER 37 CFR 1.42
For: NOVEL COMBINATION ... (COPD)	:	
AND ASTHMA	:	

This is a decision on applicants' renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 21 December 2010.

BACKGROUND

On 26 October 2010, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request.

On 26 October 2010, applicants filed this renewed request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 25 August 2010 declaration lists the inventors and their citizenships and 21 December 2010 declaration lists the legal representative and the legal representative's citizenship, residence and postal address. Taken together they satisfy 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

However, it is noted that on 21 December 2010, applicants resubmitted the declaration pages executed by inventors Mensonides-Harsema and Mo accompanied by a different page 2 than the one they executed. 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." MPEP 605.04(a).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division 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

1 - SEP 2010

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LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

In re Application of	:	
EBENER, Stefan, et al.	:	
Application No.: 12/527,800	:	DECISION
PCT No.: PCT/EP2008/001443	:	
Int. Filing Date: 22 February 2008	:	ON PETITION UNDER
Priority Date: 22 February 2007	:	
Docket No.: LPP20091542US	:	37 CFR 1.47(a)
For: CATALYTIC CONVERTER SUPPORT BODY	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 July 2010.

BACKGROUND

On 13 May 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing the petition without prejudice.

On 01 July 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 petition fee has been paid. Applicant states the last known address of Mr. Stefan Ebener as Michelistrasse 9, 82054 Sauerlach/Lochhofen, Germany. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants furnished a statement of facts detailing additional efforts to locate the nonsigning inventor and copies of internet searches.

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 **19 August 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

1 - SEP 2010

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Stefan Ebener
Michelistrasse 9
82054 Sauerlach/Lochhofen
Germany

In re Application of
EBENER, Stefan, et al.
Application No.: 12/527,800
PCT No.: PCT/EP2008/001443
Int. Filing Date: 22 February 2008
Priority Date: 22 February 2007
Docket No.: LPP20091542US
For: CATALYTIC CONVERTER SUPPORT BODY

Dear Mr. Ebener:

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
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PCT Legal Administration

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED
APR 11 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
AKIYAMA et al	:	
Application No.: 12/527,811	:	
PCT No.: PCT/JP08/001121	:	
Int. Filing Date: 30 April 2008	:	PETITION
Priority Date: 16 May 2007	:	
Attorney's Docket No.: 101213-00045	:	
For: HEAD COVER OF AN INTERNAL	:	UNDER 37 CFR 1.182
COMBUSTION ENGINE	:	

This decision is in response to the "REQUEST FOR CORRECTED FILING RECEIPT," filed on 23 February 2011, which is being treated as a petition under 37 CFR 1.182 to accept entry of the above identified application into the national stage with the corrected PCT number of **PCT/JP08/001121**. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 01-2300.

BACKGROUND

On 19 August 2009, applicants filed a transmittal letter for entry into the national stage in the United States. However, the incorrect PCT number (PCT/JP2008/001211 as submitted at the time of filing via EFS-WEB.

On 23 February 2011, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the international application number had an error and that this application is a 371 of PCT/JP2008/001121.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/JP2008/001211 rather than the correct number PCT/JP2008/001121.

Although applicants entered the incorrect PCT serial number at the time of filing the application via EFS-WEB, the correct number PCT/JP2008/001121 is on a copy of the international publication submitted on the date of filing the application. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/JP2008/001121.

Therefore, petition to accept the correct PCT number of PCT/JP2008/001121 for the instant application is granted, and will be reflected in the filing receipt.

The correct international application **PCT/JP2008/001121** will be matched with the above national stage application. Also, the papers linked to PCT/JP2008/001211 will be removed from the above national stage application.

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
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Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/527,820	08/19/2009	Linos Lazarides	PB62330USw	8366

7590 10/28/2010
GLAXOSMITHKLINE
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MAIL STOP: C.2111F
RESEARCH TRIANGLE PARK, NC 27709-3398

EXAMINER
BERCH, MARK L

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
10/28/2010	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)

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24 SEP 2010

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

In re Application of	DECISION ON
MOORE et al	
Application No. 12/527,911	
PCT No.: PCT/DK2008/050063	
Int. Filing Date: 14 March 2008	
Priority Date: 20 March 2007	PETITION UNDER
Attorney's Docket No.: 05432/0212791-USO	
For: 1-[2-(2,4 DIMETHYPHENYSULFANYL...	
AND COGNITION)	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 on 02 July 2010.

BACKGROUND

On 14 March 2008, this international application was filed, claiming an earliest priority date of 20 March 2007.

On 20 August 2009, applicants filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 16 November 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 02 July 2010, applicants filed the instant petition under 37 CFR 1.137(b),the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1) - (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **02 July 2010.**

Rafael Bacares
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OCT 15 2010

PCT LEGAL ADMINISTRATION

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of GILLO et al.	
Application No.: 12/527,933	DECISION ON PETITION
PCT No.: PCT/GB08/00678	
Int'l Filing Date: 29 February 2008	UNDER 37 CFR 1.47(a)
Priority Date: 01 March 2007	
Attorney Docket No.: SCDY2401	
For: ENTERTAINMENT DEVICE AND METHOD	

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 04 August 2010, to accept the application without the signature of joint inventor Scott Christopher Waugaman.

BACKGROUND

The procedural history of this application was provided in the decision mailed on 04 June 2010 and is incorporated herein by reference.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1) and (3).

With respect to Item (2), Petitioner indicates that contact was established with Mr. Waugaman by attorney James Turner via LinkedIn, and that attorney Turner electronically transmitted documentation to Mr. Waugaman so as to obtain Mr. Waugaman's execution of the application. However, no first-hand statement by attorney Turner has been provided. See MPEP 409.03(d), which states in pertinent 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."

Petitioner does not indicate that Mr. Waugaman was presented with a physical copy of the application papers and oath or declaration for his signature. However, copies of email correspondence have been provided, which tend to show that email attachments were sent to him. However, the emails do not reference the above application number. It is not clear which applications Mr. Waugaman's signature was sought. As MPEP 409.03(d) further states: "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47(a) is granted since such a procedure ensures that the inventor is apprised of

the application to which the oath or declaration is directed. Given the facts as presented, it is unclear that the nonsigning inventor was presented with a copy of the application papers, including an oath or declaration, for the above referenced application. For these reasons, it would not be appropriate to conclude that the non-signing inventor has refused to execute the application within the meaning of 37 CFR 1.47(a).

With regard to Item (4), a declaration, in compliance with 37 CFR 1.497(a) and (b) has not been provided. A number of declaration and assignment documents were attached to the petition, which were not executed or directed to the above referenced U.S. national application and PCT application. These declarations are unacceptable to meet the requirements of 37 CFR 1.497 (a) and (b). Item (4) is not satisfied.

In sum, Items (2) and (4) are 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
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OCT 18 2011

PCT LEGAL ADMINISTRATION

LERNER, DAVID, LITTENBERY, KRUMHOLZ & MENTLIK, LLP
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

In re Application of GILLO et al. Application No.: 12/527,933 PCT No.: PCT/GB08/00678 Int'l Filing Date: 29 February 2008 Priority Date: 01 March 2007 Attorney Docket No.: SCDY24024 For: ENTERTAINMENT DEVICE AND METHOD	DECISION ON PETITIONS UNDER 37 CFR 1.47(a) & 1.137(b)

This is a decision on applicant's petition under 37 CFR 1.137(b) and renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 August 2011.

BACKGROUND

The procedural history of this application was provided in the decision mailed on 04 June 2010 and is incorporated herein by reference.

On 15 October 2010, a decision dismissing the petition under 37 CFR 1.47(a) was mailed. The decision set forth a two month period within which to reply, with extensions of time available under 37 CFR 1.136(a).

DISCUSSION

Petition Under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), (3) a statement that the "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" pursuant to 37 CFR 1.137(d).

Applicant satisfied Items (1)-(3) above. The petition to revive in the above referenced application is **GRANTED**.

Petition Under 37 CFR 1.47(a)

Petitioner has now presented the declaration signed by inventor SCOTT WAUGAMAN. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and is executed by the previously non-signing inventor. The declaration also states the residency, citizenship and mailing address of each inventor. The

declaration executed by inventor WAUGAMAN is acceptable under 37 CFR 1.497(a) and (b). The declaration executed by the joint inventors on 03 August 2011 is acceptable under 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted.

CONCLUSION

The petition to revive under 37 CFR 1.137(b) in the above referenced application is **GRANTED**.

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

The declaration, executed by the previously non-signing inventor, and the declaration executed by the joint inventors, submitted 03 August 2011, are in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 03 August 2011.

/Cynthia M. Kratz/
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/527,952	10/15/2009	Martin Fischer	30020-232US1	9555

80841 7590 10/27/2011
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER

ART UNIT	PAPER NUMBER
3745	

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):

info@ORTPATENT.COM

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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

10/27/11

In re Application of	:	
Fischer et al.	:	DECISION ON PETITION
Application No. 12/527,952	:	TO MAKE SPECIAL UNDER
Filed: 8/20/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **30020-232US1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 7/6/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 3745 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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APR 06 2011

PCT LEGAL ADMINISTRATION

KIRBY EADES GALE BAKER
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CANADA

In re Application of	:	
MATTHEWS, Philip, et al.	:	
Application No.: 12/527,960	:	
PCT No.: PCT/CA2008/000316	:	DECISION
Int. Filing Date: 20 February 2008	:	
Priority Date: 21 February 2007	:	ON PETITION UNDER
Docket No.: 62164-US.A	:	
For: BOOTSTRAPPING IN PEER-TO-PEER NETWORKS WITH NETWORK ADDRESS TRANSLATORS	:	37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 June 2010.

BACKGROUND

On 03 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 03 June 2010, applicants filed this petition under 37 CFR 1.47(a), accompanied by a declaration of the inventors and the fee for a two month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (4) have been satisfied. The petition fee has been paid. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the complete copy 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. MPEP 409.03(d). Here, applicants do not have proof of presentation with a complete copy of the application papers. The emails included only a declaration and assignment and it is not clear that they were received by the inventor. The mailing signed for by Ms. Sweetnam also contained only the declaration and assignment. Also, it is unclear who Ms. Sweetnam is from the record.

Item (3) has not been satisfied. Applicants have not stated the last known residential address of the inventor. MPEP 605.03.

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/

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Attorney Advisor
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PCT LEGAL ADMINISTRATION

KIRBY EADES GALE BAKER
BOX 3432, STATION D
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CANADA

In re Application of
MATTHEWS, Philip, et al.
Application No.: 12/527,960
PCT No.: PCT/CA2008/000316
Int. Filing Date: 20 February 2008
Priority Date: 21 February 2007
Docket No.: 62164-US.A
For: BOOTSTRAPPING IN PEER-TO-PEER NETWORKS WITH NETWORK ADDRESS TRANSLATORS

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 June 2011.

BACKGROUND

On 06 April 2011, the Office mailed Decision On Petition, dismissing applicants' petition under 37 CFR 1.47(a) and setting a two month period for response.

On 03 June 2011, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (4) were previously satisfied. Item (3) has now been satisfied. The petition fee has been paid. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47. Applicants state the last known residential address of Mr. Philip Matthews as 151 Fireside Drive, RR1, Woodlawn, Ontario K0A 2M0, Canada.

Item (2) has not been satisfied. Applicants sent a complete copy of the application papers, including the declaration to the non-signing inventor on 24 May 2011, that was delivered on 25 May 2011. This petition was filed on 03 June 2011. Applicants did not allow sufficient time to

respond, so that a refusal to cooperate could be inferred. One month is considered a reasonable period for review and response to the material.

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/

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PCT LEGAL ADMINISTRATION

In re Application of
MATTHEWS, Philip, et al.
Application No.: 12/527,960
PCT No.: PCT/CA2008/000316
Int. Filing Date: 20 February 2008
Priority Date: 21 February 2007
Docket No.: 62164-US.A
For: BOOTSTRAPPING IN PEER-TO-PEER NETWORKS WITH NETWORK ADDRESS TRANSLATORS

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 27 September 2011.

BACKGROUND

On 04 August 2011, the Office mailed Decision On Petition, dismissing applicants' petition under 37 CFR 1.47(a) and setting a two month period for response.

On 27 September 2011, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) were previously satisfied. The petition fee has been paid. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47. Applicants state the last known residential address of Mr. Philip Matthews as 151 Fireside Drive, RR1, Woodlawn, Ontario K0A 2M0, Canada.

Item (2) has been satisfied. Applicants sent a complete copy of the application papers, including the declaration to the non-signing inventor and after sufficient time to respond, an executed declaration has not been received.

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 according of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **03 June 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Philip Matthews
151 Fireside Drive, RR1
Woodlawn, Ontario K0A 2M0
Canada

MAILED
DEC 02 2011
PCT LEGAL ADMINISTRATION

In re Application of
MATTHEWS, Philip, et al.
Application No.: 12/527,960
PCT No.: PCT/CA2008/000316
Int. Filing Date: 20 February 2008
Priority Date: 21 February 2007
Docket No.: 62164-US.A
For: BOOTSTRAPPING IN PEER-TO-PEER NETWORKS WITH NETWORK ADDRESS TRANSLATORS

Dear Mr. Matthews:

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/

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Attorney Advisor
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,009	08/20/2009	Takashi Hamatani	Q114524	9848

23373 7590 04/13/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
THOMPSON, GREGORY D

ART UNIT	PAPER NUMBER
2835	

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):

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SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON DC 20037

In re Application of	**: DECISION ON REQUEST TO**
Takashi HAMATANI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/528,009	**: PROSECUTION HIGHWAY**
Filed: 20 August 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: Q114524	**: TO MAKE SPECIAL UNDER**
For: ELECTRIC UNIT HAVING CAPACITOR	**: 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 04 March 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, US claim 1 recites the reflector to be "connected to said casing by a fastening member while abutting said capacitor" and "said reflector is connected to said first wall surface of said casing by a fastening member while abutting said capacitor" while JPO claim 1 only requires the second recitation. US claim 1 does not sufficiently correspond to JPO claim 1 in that US claim 1 is narrower in scope.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

Lee W. Young
TQAS Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,009	08/20/2009	Takashi Hamatani	Q114524	9848

23373 7590 05/11/2011
SUGHRUE MION, PLLC
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EXAMINER
THOMPSON, GREGORY D

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
05/11/2011	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):

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In re Application of	**: DECISION ON REQUEST TO**
Takashi HAMATANI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/528,009	**: PROSECUTION HIGHWAY**
Filed: 20 August 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: Q114524	**: TO MAKE SPECIAL UNDER**
For: ELECTRIC UNIT HAVING CAPACITOR	**: 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 04 March 2011 and renewed on 19 April 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,021	08/20/2009	Satoshi Mihara	21713-00131-US	9917

30678 7590 09/28/2010
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

EXAMINER
MULCAHY, PETER D

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
09/28/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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September 28, 2010 BC

In re application of Satoshi Mihara et al. Serial No. 12/528,021 Filed: August 20, 2009 For: RUBBER COMPOSITION	: : : : : :	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) to make the above-identified application special filed August 06, 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 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;

(6) Applicant must submit:

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

The request to participate in the PPH program and petition fail because:
(1) The Request for participation in the PPH program between the JPO and USPTO does not identify the JPO application.
(2) The Request does not include a copy of the allowable/patentable claim(s) from the JPO application or a certified English translation of the allowable/patentable JPO claim(s).
(5) Contrary to the Request, the PPH submission did not include a copy of the latest JPO Office actions.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,021	08/20/2009	Satoshi Mihara	21713-00131-US	9917

30678 7590 11/15/2010
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EXAMINER
MULCAHY, PETER D

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
11/15/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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November 15, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Satoshi Mihara et al.	:	PARTICIPATE IN PATENT
Serial No. 12/528,021	:	PROSECUTION HIGHWAY
Filed: August 20, 2009	:	PROGRAM AND
For: RUBBER COMPOSITION	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed October 13, 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 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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue, Suite 1600
Portland OR 97204

MAILED
MAR 22 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
TRIGLAVCANIN	:	
Application No.: 12/528,031	:	
PCT No.: PCT/FI08/02058	:	
Int. Filing Date: 21 February 2008	:	PETITION
Priority Date: 22 February 2007	:	
Attorney's Docket No.: PC25940A	:	
For: METHOD FOR THICKENING AND	:	
THICKENING	:	UNDER 37 CFR 1.182

This decision is in response to the "REPLY TO NOTIFICATION OF MISSING REQUIREMENTS" filed on 21 January 2011, which is being treated as a petition under 37 CFR 1.182 to correct PCT serial number from the entry of PCT/FI08/02058 to **PCT/FFI2008/050078**. Applicant has not paid the petition fee of $400.00.

BACKGROUND

On 20 August 2009, applicants filed a transmittal letter for 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 the national stage application via EFS-WEB because applicant typed in the Electronic Acknowledgement Receipt the international application number as PCT/FI08/02058 rather than PCT/FI08/50078.

DISCUSSION

Applicant entered the incorrect PCT serial number, PCT/FI08/02058, at the time of electronically filing the application. As a result, the USPTO was not in error in issuing the Notification of Missing Requirements.

Applicant has now provided the correct PCT serial number PCT/FI2008/050078 but has not explained the error.

Applicant has to explain the inconsistency and provide the petition fee of $400.00 under 37 CFR 1.182 to correct the international application number to the proper serial number.

Once the petition is granted the correct number will be reflected in the application process.

DECISION

The petition under 37 CFR 1.182 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 1.182," and the petition must be paid.

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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MAILED
JUN 02 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
TRIGLAVCANIN	:	
Application No.: 12/528,031	:	
PCT No.: PCT/FI08/050078	:	
Int. Filing Date: 21 February 2008	:	PETITION
Priority Date: 22 February 2007	:	
Attorney's Docket No.: PC25940A	:	
For: METHOD FOR THICKENING AND	:	
THICKENING	:	UNDER 37 CFR 1.182

This decision is in response to the "RENEWED PETITION UNDER 37 CFR 1.182," filed on 04 April 2011 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/FI2008/050078. The petition fee of $400.00 has been charged to petitioner's deposit account no.: 03-1550.

BACKGROUND

In a decision from this Office on 22 March 2011, the petition filed on 21 January 2011 was dismissed because petitioner did not provide the petition fee and an explanation as to the reason for the incorrect number.

On 04 April 2011, petitioner filed the current petition which included the petition fee with an explanation as to the incorrect number.

DISCUSSION

Petitioner states that the PCT number was inadvertently entered as PCT/FI08/02058 rather than the correct number **PCT/FI2008/050078**.

Although applicants entered the incorrect PCT serial number at the time of filing the application via electronic EFS-Web as identified as such on the Electronic Acknowledgment Receipt, the correct PCT serial number PCT/FI2008/050078 was placed on the Application Data Sheet (ADS). Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/FI2008/050078.

In addition, the petition fee has been charged to petitioner's deposit account no.: 03-1550.

Therefore, the petition to accept the correct PCT number of **PCT/FI2008/050078** 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

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED

NOV 15 2010

PCT LEGAL ADMINISTRATION

In re Application of
YAMKA, et al.
U.S. Application No.: 12/528,137
PCT No.: PCT/US2008/054773
Int. Filing Date: 22 February 2008
Priority Date: 22 February 2007
Attorney Docket No.: 8075-00-HL
For: COMPOSITIONS AND METHODS FOR ENHANCING THE DEVELOPMENT OF GROWING ANIMALS

DECISION ON PETITION

UNDER 37 CFR 1.497(d)

This decision is in response to applicant's "Renewed Petition Under 37 CFR § 1.497(d)" filed 02 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 July 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration.

On 02 September 2010, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 02 July 2010, 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 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) the fee set forth in 37 CFR 1.17(h); and

(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 previously satisfied item 2. With the filing of the present renewed petition and accompanying papers applicant has satisfied the remaining three items and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, the renewed request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 22 February 2008 and will be given a date of **02 September 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

Derek A. Putonen
Attorney Advisor
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Tel: (571) 272-3294

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MAILED
FEB 16 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Spur et al	:	
Application No: 12/528,171	:	
PCT No.: PCT/GB2008/000328	:	
Int. Filing Date: 31 January 2008	:	PETITION UNDER
Priority Date: 23 February 2007	:	
Attorney's Docket No.: 60130-2920	:	
For: Latch Assembly	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER RULE 37 CFR 1.47(a)," filed on 10 December 2010.

BACKGROUND

On 21 August 2009, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

On 10 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by the International application number and international filing date." The notice indicated that the items must be submitted within two months from date of mailing or by 32 months from the priority date of the application, in order to avoid abandonment of the national stage application.

On 10 December 2010, petitioner filed the present petition, a declaration in support of filing on behalf of non-signing joint inventor Andrew Mathie accompanied, inter alia, an executed Declaration without the signature of Andrew Mathie.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint 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.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

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. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. 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.

Petitioner has not satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), petitioner has not provided the petition fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), the averments of Mr. Scoot are not sufficient to support a finding that the nonsigning joint inventor, Mathie, refuses. Although Mr. Scott indicates the second mailing on November 30, 2010 was delivered on December 1, 2010 as evidenced by Mr. Mathie's signature of receipt, it unclear if a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to him for his signature. The cover letter sent with the second mailing (exhibit c) indicates that an "attached patent document for your reference." However, it is unclear if this patent document is for the aforementioned application 12/528,171 (PCT/GB2008/000328) as there is no specific reference to it or some other patent application in which Mr. Mathie is a join inventor.

Regarding item (3), petitioner has not provided an affirmative statement of the last known address of the missing joint inventor Mathie.

Regarding item (4), the declaration submitted is a defective executed composite declaration. The composite declaration is defective because it comprises of 2 sheets of page 5, and two sheets of page 6. A composite declaration under 37 CFR 1.497(a) and (b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. In this case there appears to be only one set that is complete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Consequently, 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.

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JUN 08 2011
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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of	:	DECISION ON RENEWED
Spur et al	:	
Application No: 12/528,171	:	
PCT No.: PCT/GB2008/000328	:	
Int. Filing Date: 31 January 2008	:	PETITION UNDER
Priority Date: 23 February 2007	:	
Attorney's Docket No.: 60130-2920 PUS1	:	
For: Latch Assembly	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 07 April 2011

BACKGROUND

In a decision from this Office on 16 February 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (2), (3), and (4) had not been satisfied.

On 07 April 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" respecting to accept the above application without the signature of joint inventor Andrew Mathie. The petition is accompanied by an affidavit of Mr. Paul Scott.

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 07 April 2011 has satisfied items (2), (3) and (4) under 37 CFR 1.47(a).

Regarding item (2), the affidavit by Mr. Scott who has first-hand knowledge of the facts, has provided a statement outlining the steps he took to mail the application papers to the non-signing joint inventor Mr. Mathie on November 30, 2010 and that the papers were delivered to him for his signature on December 1, 2010. Mr. Mathie has still not responded.

Consequently, at this time it can be concluded that Mr. Mathie has refused to sign the documents.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Mr. Andrew Mathie
1 Newquay Drive
Abenbury Park
Wrexham, LL13 OJX
United States

Regarding item (4), petitioner has provided a proper executed declaration without the signature joint inventor of Mr. Mathie.

Consequently, the current record does sufficiently establish Mr. Mathie's refusal to join in the application.

Petitioner has 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

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JUN 08 2011

PCT LEGAL ADMINISTRATION

Mr. Andrew Mathie
1 Newquay Drive
Abenbury Park
Wrexham, LL13 OJX
United States

In re of
SPUR et al
Application No: 12/528,171
PCT No.: PCT/GB2008/000328
Int. Filing Date: 31 January 2008
Priority Date: 23 February 2007
Attorney's Docket No.: 60103-2920
For: LATCH ASSEMBLY

Dear: Mathie,

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.

R Bacares

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

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
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NOV 08 2010

PCT LEGAL ADMINISTRATION

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
Weissacher et al.	:	
Application No.: 12/528,186	:	DECISION
PCT No.: PCT/US2008/002134	:	
Int. Filing Date: 19 February 2008	:	ON
Priority Date: 23 February 2007	:	
Attorney Docket No.: ITC-350US	:	PETITION
For: Test Head Manipulator	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 13 September 2010.

DISCUSSION

In a Decision mailed on 21 June 2010, the petition under 37 CFR 1.47(a) filed on 11 May 2010 was dismissed, without prejudice, because

> Regarding **requirement (2)**, petitioner has provided a "Declaration..." signed by Daniel Graham, who indicates that, on 26 April 2010, a declaration and copy of the application were sent by email to each of Hermann Weissacher and Wei Guan, and that neither non-signing inventor had responded by 07 May 2010. However, it is not clear that the time interval between when the documents were transmitted to the inventors and when the instant petition was filed was sufficient for said inventors to receive the documents, read them, decide whether to execute them, and return the executed declaration. Moreover, the petition does not provide any indication as to whether attempts were made to contact the non-signing inventors at their last-known physical addresses. Based on the evidence currently of record, it would not be appropriate to regard either of the non-signing inventors as unavailable within the meaning of 37 CFR 1.47(a) at this time.

In response, petitioner has filed a declaration signed by Hermann Josef Weissacher, obviating the petition under 37 CFR 1.47(a) with respect to him.

With regard to Wei Guan, petitioner has submitted a "Declaration Pursuant To 37 C.F.R. § 1.47(a)" signed by Mr. Daniel J. Graham. Mr. Graham's statements, taken in view of the accompanying documentary evidence, suffice to establish that Wei Guan constructively has refused to execute the application within the meaning of 37 CFR 1.47(a). Therefore, requirement (2) now has been satisfied.

DECISION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **13 September 2010**.

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

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NOV 08 2010

PCT LEGAL ADMINISTRATION

Wei Guan
14 Ambergerstrasse
Garching D-81679
GERMANY

In re Application of
Weissacher et al.
Application No.: 12/528,186
PCT No.: PCT/US2008/002134
Int. Filing Date: 19 February 2008
Priority Date: 23 February 2007
Attorney Docket No.: ITC-350US
For: Test Head Manipulator

Dear Wei Guan:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter 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

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

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23460
LEYDIG VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Il 60601-6731

MAILED
AUG 30 2011
PCT LEGAL ADMINISTRATION

In re Application of
MURAYAMA *et al*
U.S. Application No.: 12/528,190
PCT No.: PCT/IB2008/055544
Int. Filing Date: 20 February 2008
Priority Date: 21 February 2007
Docket No.: 705344
For: TARGET PROTEIN AND TARGET GENE FOR DRUG DISCOVERY, AND SCREENING METHOD

DECISION

This decision is in response to the "Request for Corrected Filing Receipt and Notice of Acceptance" filed 21 July 2011 which is treated under 37 CFR 1.182.

BACKGROUND

On 21 August 2009, applicants filed papers using the USPTO EFS-Web system as the national stage of "PCT/JP2005/053345." However, all other papers indicated that the application was the national stage of PCT/JP2008/053345.

On 02 September 2009, applicants submitted a letter informing the Office of the incorrect international application number filed using the USPTO EFS-Web system. Applicants authorized that any fees be charged to Deposit Account No. 12-1216.

On 07 July 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt. The international application number was recorded as PCT/JP2005/053345 on both forms.

On 21 July 2011, applicants filed the subject request to change the underlying international application number to PCT/JP2008/053345.

On 25 July 2011, a corrected filing receipt was mailed. The international application number was listed as PCT/JP2008/053345.

DISCUSSION

In the petition filed 21 July 2011, applicants' request to change the international

application number listed on the Form PCT/DO/EO/903 and filing receipt mailed 07 July 2011 to PCT/JP2008/053345.

This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been charged to Deposit Account No. 12-1216 as authorized.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The application was filed as the national stage of PCT/JP2005/053345; however, all other papers indicated that the international application was PCT/JP2008/053345. Moreover, WIPO records show that the title, name of applicants, and filing dates correspond to PCT/JP2008/053345.

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/JP2008/053345 but for a clerical error made upon filing.

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/JP2008/053345.

The Form PCT/DO/EO/903 and filing receipt mailed 07 July 2011 are hereby **VACATED**.

This application is being forwarded to the DO/EO/US for processing the subject application as the national stage of PCT/JP2008/053345.

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.
12/528,242	09/25/2009	Atsushi Harada	17401/182001	1489

22511 7590 01/14/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
01/14/2011	ELECTRONIC

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

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

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

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

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: HARADA et al.
Application No. 12/528,242
Filed: September 25, 2009
For: RADIO CONTROL SIGNAL GENERATING METHOD, RADIO BASE STATION APPARATUS, AND MOBILE STATION

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

MAILED
JAN 14 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 02, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

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

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

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

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in The JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

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

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

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TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED

AUG 0 3 2010

OFFICE OF PETITIONS

In re Application of	:	
TOUWSLAGER, Fredericus J. et al.	:	
Application No. 12/528,260	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: February 17, 2010	:	
Attorney Docket No. **267819**	:	

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

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

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

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,353	08/24/2009	Hidenori Moriya	344425US26PCT	2691

22850 7590 09/28/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
SOLIS, ERICK R

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
09/28/2011	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):

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	:	
MORIYA, HIDENORI et al	:	DECISION ON REQUEST TO
Application No. 12/528,353	:	PARTICIPATE IN PATENT
Filed: August 24, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 344425US26PCT	:	PROGRAM AND PETITION
For: CONTROL DEVICE OF THE INTERNAL COMBUSTION ENGINE	:	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 Sep. 19, 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 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.

The request to participate in the PPH program and petition met all conditions except Item #3

The request to participate in the PPH pilot program and petition does not show JPO allowed claims 1-16 correspond with the current pending claims 1-13 and 15-19. Currently, this application contains claims 1-13 and 15-19 as filed on Sep. 19, 2011. The scope of the newly added/amended/modified independent claims 18 and 19 were not examined by the JPO examiner. In order to grant the PPH Request in this case, it is suggested that the applicant cancel the newly added/amended/modified independent claims 18 and 19. It is not agreed that claims 18 and 19 are same as the JPO allowed claims 1 and 14 as indicated by the applicant in the claims comparison chart of the petition.

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 on the merits for claims 1-6 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.

/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.
12/528,353	08/24/2009	Hidenori Moriya	344425US26PCT	2691

22850 7590 10/11/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
SOLIS, ERICK R

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
10/11/2011	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
MORIYA, HIDENORI , et al.	:	DECISION ON REQUEST TO
Application No. 12/528,353	:	PARTICIPATE IN PATENT
Filed: August 24, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 344425US26PCT	:	PROGRAM AND PETITION
For: CONTROL DEVICE OF THEINTERNAL	:	TO MAKE SPECIAL UNDER
COMBUSTION ENGINE	:	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 05, 2011 to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Steven Cronin SPE of Art Unit 3747, and 571-272-4536 for Class 123 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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NOV 22 2010

PCT LEGAL ADMINISTRATION

The BOC Group, Inc.
575 MOUNTAIN AVENUE
MURRAY HILL NJ 07974-2082

In re Application of	:	
RYAN et al.	:	
Application No.: 12/528,359	:	DECISION
PCT No.: PCT/AU2008/000248	:	
Int. Filing Date: 25 February 2008	:	
Priority Date: 23 February 2007	:	
Attorney Docket No.: P09A025	:	
For: IMPROVED DISINFESTATION METHOD	:	

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 and Filing Receipt, both mailed 18 November 2010, were mailed in error and are hereby **VACATED**. The Notification and Filing Receipt were mailed before applicants' petition under 37 CFR 1.47(a) had been considered.

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 27 September 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 25 February 2008, applicants filed international application PCT/AU2008/000248, which designated the United States and claimed a priority date of 23 February 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 28 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 August 2009 (23 August 2009 being a Sunday).

On 24 August 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 02 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 27 September 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors.

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.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "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)." Although the petition indicates that the non-signing inventor Hari Krishna was provided with a copy of the complete patent application, no evidence of receipt of the papers by Mr. Krishna has been provided. Additionally, MPEP § 409.03(d) 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.

A statement of facts by a person who has firsthand knowledge of the facts stated therein has not been provided.

The petition also states that non-signing inventor Mr. Krishna refused to execute the application unless he received a "hefty" fee. It is not clear if this refusal was oral or written. MPEP § 409.03(d) states in part:

> 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.

No such statement has been provided.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

CONCLUSION

For the above reasons, 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. **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(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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/

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FEB 22 2011

PCT LEGAL ADMINISTRATION

The BOC Group, Inc.
575 MOUNTAIN AVENUE
MURRAY HILL NJ 07974-2082

In re Application of	:	
RYAN et al.	:	
Application No.: 12/528,359	:	DECISION
PCT No.: PCT/AU2008/000248	:	
Int. Filing Date: 25 February 2008	:	
Priority Date: 23 February 2007	:	
Attorney Docket No.: P09A025	:	
For: IMPROVED DISINFESTATION METHOD	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 20 January 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED** without prejudice.

BACKGROUND

On 25 February 2008, applicants filed international application PCT/AU2008/000248, which designated the United States and claimed a priority date of 23 February 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 28 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 August 2009 (23 August 2009 being a Sunday).

On 24 August 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 02 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 27 September 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors.

On 22 November 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 20 January 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of facts by Paul Gerard Harrison.

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 22 November 2010, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. The declaration of facts by Mr. Harrison establishes that non-signing inventor Hari KRISHNA was presented with the application papers and that he refuses to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

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 **27 September 2010**. (The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 and Filing Receipt, both mailed 18 November 2010, were mailed before applicants'

petition under 37 CFR 1.47(a) had been considered. Accordingly, these papers were VACATED in the decision mailed 22 November 2010. Although the 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and the 35 U.S.C. 371 date are the same as those indicated in the Notification mailed 18 November 2010, a new NOTIFICATION OF ACCEPTANCE and Filing Receipt will be prepared and mailed.)

/Daniel Stemmer/

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FEB 22 2011

PCT LEGAL ADMINISTRATION

Mr. Hari Krishna
343 Albert Street
Palmerston North 4410
NEW ZEALAND

In re Application of
RYAN et al.
Application No.: 12/528,359
PCT No.: PCT/AU2008/000248
Int. Filing Date: 25 February 2008
Priority Date: 23 February 2007
Attorney Docket No.: P09A025
For: IMPROVED DISINFESTATION METHOD

Dear Mr. Krishna:

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/

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23 SEP 2010

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

In re Application of	DECISION ON
Patrick Joseph GLYNN	
Application No.: 12/528,361	
PCT No.: PCT/AU2007/001938	
Int. Filing Date: 13 December 2007	PETITION UNDER
Priority Date: 15 December 2006	
Attorney's Docket No.: 6002-1125	
For: A COMBUSTION APPARATUS	37 CFR 1.137(b)

This decision is in response to applicant's "Petition To Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)," filed on 24 August 2009.

BACKGROUND

On 13 December 2007, this international application was filed, claiming an earliest priority date of 15 December 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 15 June 2009. This international application became abandoned with respect to the United States at midnight on 15 June 2009 for failure to pay the required basic national fee.

On 24 August 2009, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, 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 basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

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

Rafael Bacares
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PCT Legal Office
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M/S EVR 1-C-11
PLANO TX 75024

MAILED
AUG 23 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
VAN ELBURG, et al.	:	
Application No.: 12/528,397	:	NOTIFICATION
PCT No.: PCT/EP2008/051676 (as corrected)	:	
Int. Filing Date: 12 February 2008	:	
Priority Date: 22 February 2007	:	
Attorney's Docket No.: P24611-US1	:	
For: GROUP ACCESS TO IP MULTIMEDIA	:	
SUBSYSTEM SERVICE	:	

This decision is issued in response to applicant's "Petition under 37 C.F.R. §1.181" filed 13 July 2011 in the United States Patent and Trademark Office (USPTO). The petition is being considered under 37 CFR 1.182. Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 18 May 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 courtesy copy of the international application supplied by applicant. Applicant was afforded two months to file a response.

On 13 July 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/EP2008/051676. An examination of the originally filed papers finds that the correct international application number was listed on the courtesy copy of the international application supplied by applicant on 24 August 2009. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 24 August 2009 and to permit such materials to be treated as having been directed to international application PCT/EP2008/051676.

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/EP2008/051676.

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

Derek A. Putonen
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MAR 25 2011

PCT LEGAL ADMINISTRATION

KNOBBE MARTENS OLSON & BEAR LLP
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IRVINE CA 92614

In re Application of	:	
KIREJEVAS, Vygantas	:	
Application No.: 12/528,429	:	DECISION
PCT No.: PCT/EE2007/000013	:	
Int. Filing Date: 13 July 2007	:	
Priority Date: 21 February 2007	:	
Attorney's Docket No.: PLOUG92.001APC	:	
For: PET FOOD	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.137(b) filed 06 January 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 July 2007, applicant filed international application PCT/EE2007/000013, which designated the U.S. and claimed a priority date of 21 February 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 28 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 August 2009.

On 24 August 2009, applicant filed a submission for entry into the national stage in the United States which included, *inter alia*, the U.S. Basic National Fee and a petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing.

On 23 December 2009, a decision was mailed dismissing applicant's petition as inappropriate because the application for patent did not go abandoned for failure to notify the office of a foreign or international filing.

On 06 January 2010, applicant filed the instant renewed petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 24 August 2009.

As to item (2), applicant submitted the petition fee on 24 August 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

MAILED
MAR 26 2012
PCT LEGAL ADMINISTRATION

In re Application of
Hunt et al.
Application No.: 12/528,636
PCT No.: PCT/US2008/055654
Int. Filing Date: 03 March 2008
Priority Date: 09 March 2007
Attorney Docket No.: 63232US006
For: Triphenyl Monomers Suitable For Microstructured Optical Films

DECISION

This is in response to the correspondence filed on 26 August 2009.

BACKGROUND

International application PCT/US2008/055654 was filed on 03 March 2008, claimed an earliest priority date of 09 March 2007, and designated the United States. The period for payment of the basic national fee in the United States expired as of midnight on 09 September 2009. Applicants filed *inter alia* a basic national fee in 12/528,636 on 26 August 2009.

DISCUSSION

Review of the instant application file reveals that *inter alia* the Transmittal Letter, preliminary amendment and declaration filed on 26 August 2009 refer to international application PCT/US2008/055654, whereas the the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicant indicated that "PCT/US08/12452" was to enter the national stage. Inspection of published international application PCT/US2008/055654 reveals that its bibliographic data is similar to that indicated for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 26 August 2009 are **NOT ACCEPTED** for processing under 35 U.S.C. 371, without prejudice, as described above.

In view of this status, the Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed on 17 November 2009 were issued in error, and are hereby **VACATED**.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
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3M INNOVATIVE PROPERTIES COMPANY
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MAILED
APR 16 2012
PCT LEGAL ADMINISTRATION

In re Application of Hunt et al. Application No.: 12/528,636 PCT No.: PCT/US2008/055654 Int. Filing Date: 03 March 2008 Priority Date: 09 March 2007 Attorney Docket No.: 63232US006 For: Triphenyl Monomers Suitable For Microstructured Optical Films	:	DECISION

This is in response to the petition under 37 CFR 1.182 filed on 04 April 2012.

DISCUSSION

In a Decision mailed on 26 March 2012, applicants were advised that

> Review of the instant application file reveals that *inter alia* the Transmittal Letter, preliminary amendment and declaration filed on 26 August 2009 refer to international application PCT/US2008/055654, whereas the the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicant indicated that "PCT/US08/12452" was to enter the national stage. Inspection of published international application PCT/US2008/055654 reveals that its bibliographic data is similar to that indicated for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

In response, petitioner states (in part) that "it is clear that PCT/US08/12452 does not belong to the Applicant and accordingly it is not possible that this was the international application intended to enter the national stage under 35 U.S.C. 371," and that "the intent was for International Application No. PCT/US2008/055654 to enter the national stage under 35 U.S.C. 371." Though petitioner indicates which application was intended to enter the national phase, no explanation of the origin of the discrepancy has been provided, nor has petitioner indicated whether deceptive intent was involved. As such, it would not be appropriate to grant the petition at this time.

DECISION

The petition is **DISMISSED**, without prejudice, as described above.

Any request for reconsideration 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 file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
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MAILED

OCT 20 2010

PCT LEGAL ADMINISTRATION

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of PROKOPOVA et al. Application No.: 12/528,643 PCT No.: PCT/CZ08/00024 Int. Filing: 03 March 2008 Priority Date: 02 March 2007 Attorney Docket No.: IVGN 958 US For: A PHARMACEUTICAL COMPOSITION WITH ATORVASTATIN ACTIVE INGREDIENT	DECISION ON PETITION UNDER 37 CFR 1.181

This application is before the PCT Legal Office for consideration of applicant's Petition under 37 CFR 1.181 to Vacate Notification of Defective Response filed on 18 August 2010 in the United States Patent and Trademark Office (USPTO) in the above-captioned application,.

On 26 August 2009, applicant filed a request for U.S. national stage entry for PCT/CZ08/00024 along with the basic national fee and an unexecuted declaration.

On 25 January 2010, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. The declaration was not executed in accordance with 37 CFR 1.66 or 1.68. The surcharge for filing the oath or declaration after the thirty month period was also required.

On 21 April 2010, applicant filed a response to the Notification with an executed declaration along with a request for a one month extension of time. Applicant stated that the International Bureau published a corrected version of the international application with the correct inventors named. Applicant indicates that Anna Hanovska was also an inventor in the above referenced application. A copy of the corrected version of the publication was attached.

On 02 June 2010, a Notification of Defective Response was erroneously mailed, asking for clarification regarding inventor Hanovska, who was listed on the declaration but not on the international application.

On 18 August 2010, applicant filed a petition under 37 CFR 1.181 in response to the Notification, asking that the Notification be vacated. No petition fee is required.

DISCUSSION

A review of the published corrected international application PCT/CZ08/00024 indicates that Anna Hanovska was among the five inventors identified. A review of the Request also indicates that Anna Hanovska was identified as an inventor. Thus, the declaration, identifying Anna Hanovska as a joint inventor, is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The 02 June 2010 Notification of Defective Response was erroneously issued and is hereby vacated.

CONCLUSION

The 02 June 2010 Notification of Defective Response is hereby **VACATED**. Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The declaration, filed on 21 April 2010, identifying all inventors, 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 21 April 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
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2 3 AUG 2010

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In re Application of BURGER Application No.: 12/528,723 PCT No.: PCT/EP08/01372 Int. Filing Date: 21 February 2008 Priority Date: 27 February 2007 Attorney's Docket No.: 4357.86203 For: FERMENTER FOR BIOGAS PLANTS, COMPRISING A SUBMERSIBLE MOTOR-DRIVEN STIRRER VERTICALLY ADJUSTABLE BY MEANS OF A MOTOR	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This is a decision on Applicant's "Petition under 37 CFR 1.47(b)", filed 21 June 2010 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventor ADAM BURGER. Applicant requests a three month extension of time, which is granted.

BACKGROUND

On 21 February 2008, applicant filed international application No. PCT/EP08/01372 which claimed priority date of 27 February 2007 and which designated the United States.

On 26 August 2009, prior to the expiration of the 30 month period, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national filing fee.

On 19 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS indicating, *inter alia*, that the oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), must be furnished within two months from the mail date of the notice or the application would be abandoned. Extensions of time were available.

On 21 June 2010, petitioner filed a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner submitted a petition fee of $130. This is insufficient as the correct petition fee is $200 (37 CFR §§1.47(b) and 1.17(g)). With authorization to charge petitioner's deposit account, the petition fee of $200 was charged, satisfying Item (1).

With respect to Item (2), Petitioner provides the statement of Dr. Thomas Buer, Managing Director of UTS BIOGAS TECHNIK GmbH. Dr. Buer states that he instructed patent attorney Hartmut Schutte to contact the nonsigning inventor to obtain his signature on the declaration. An exchange of letters occurred between Dr. Schutte and Mr. Bürger. Copies of these letters with English translation were attached to the statement. These letters indicate that Mr. Bürger received a complete copy of the application along with a declaration and power of attorney. In his letter dated 24 November 2009, Mr. Bürger refused to sign the application papers. The inventor responded: "Without any consideration I will not give my signature, whether as a single payment or as royalties." This statement is sufficient to conclude that the nonsigning inventor refuses to sign the application. Item (2) is satisfied.

The statement of the last known address of the nonsigning inventor was submitted, satisfying Item (3). With the submission, Petitioner satisfied Item (6) above with the statement showing such action is necessary to preserve the rights of the parties and to prevent irreparable damage.

Item (4) is not satisfied because a declaration executed by the 37 CFR 1.47(b) petitioner on behalf of the nonsigning inventor was not provided. See MPEP Section 409.03(b)(A). The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Item (4) is not yet satisfied.

Proprietary Interest in the subject matter

As set forth in the MPEP 409.03(f): 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. Applicant has not provided any proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest by the means identified in MPEP 409.03(f). Item (5) is not satisfied. Accordingly, the petition under 37 CFR 1.47(b) must be dismissed.

Item (6) is satisfied with the submission of the statement that "such action is necessary to preserve its rights in the above identified application and to prevent irreparable damage."

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor

Office of PCT Legal Administration

Tel: 571-272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

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

In re Application of BURGER Application No.: 12/528,723 PCT No.: PCT/EP08/01372 Int. Filing Date: 21 February 2008 Priority Date: 27 February 2007 Attorney's Docket No.: 4357.86203 For: FERMENTER FOR BIOGAS PLANTS, COMPRISING A SUBMERSIBLE MOTOR-DRIVEN STIRRER VERTICALLY ADJUSTABLE BY MEANS OF A MOTOR	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This is a decision on Applicant's renewed Petition under 37 CFR 1.47(b), filed 23 December 2010 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventor ADAM BURGER. Applicant requests a two month extension of time, which is granted.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 23 August 2010 and is incorporated herein by reference.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner previously satisfied Items (1),(2), (3) and (6).

Item (4) is now satisfied because a declaration executed by the 37 CFR 1.47(b) petitioner on behalf of the nonsigning inventor was provided.

Proprietary Interest in the subject matter

With respect to proprietary interest in the subject matter, a copy of a declaration of inventorship in the German priority application was submitted, naming Adam Buerger as the inventor and indicating that the patent rights have been assigned to applicant "by general manager contract with applicant." However, no proof that the invention at issue was assigned to the applicant or that the inventor agreed in writing to assign the invention to the applicant.

Section 409.03(f) of the MPEP, Proof of Proprietary Interest, states, in part:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that

(A) the invention has been assigned to the applicant, or

(B) the inventor has agreed in writing to assign the invention to the applicant, or

(C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

****

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. As set forth in the MPEP 409.03(f): 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 has not provided an ownership assignment agreement between U.T.S. BIOGAS and U.T.S. Umwelt Technik-Sued GmbH. No assignment from the inventor to the applicant has been presented nor has proof that the inventor agreed in writing to assign this invention to the applicant. In such case, as set forth above, Petitioner must demonstrate the proprietary interest by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. *The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved.* A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Item (5) is not satisfied. Accordingly, the petition under 37 CFR 1.47(b) must be dismissed.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed

within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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PCT LEGAL ADMINISTRATION

GREER, BURNS & CRAIN
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25TH FLOOR
CHICAGO IL 60606

In re Application of
BURGER
Application No.: 12/528,723
PCT No.: PCT/EP08/01372
Int. Filing Date: 21 February 2008
Priority Date: 27 February 2007
Attorney's Docket No.: 4357.86203
For: FERMENTER FOR BIOGAS PLANTS, COMPRISING A SUBMERSIBLE MOTOR-DRIVEN STIRRER VERTICALLY ADJUSTABLE BY MEANS OF A MOTOR

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This is a decision on Applicant's renewed Petition under 37 CFR 1.47(b), filed 28 July 2011 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventor ADAM BURGER. Applicant requests a three month extension of time, which is granted.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 23 August 2010 and is incorporated herein by reference.

On 23 December 2010, a renewed petition under 37 CFR 1.47(b) was filed. A decision dismissing the petition was mailed on 03 March 2011. On 20 July 2011, a Notification of Abandonment was mailed to applicant indicating that the application was abandoned for failure to respond to the 03 March 2011 decision.

DISCUSSION

At the outset, it is noted that the 20 July 2011 Notification of Abandonment was mailed in error and is hereby **VACATED**. The 03 March 2011 decision provided a two month period of time within which to respond (or by 03 May 2011) with extensions of time available under 37 CFR 1.136(a).

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner previously satisfied Items (1),(2), (3), (4) and (6).

With respect to Item (5), Petitioner provided a legal memorandum in support of the

proprietary interest of UTS Biogastechnik GmbH. The memorandum satisfies the requirements of 37 CFR 1.47(b) and the MPEP and explains that UTS Biogastechnik GmbH has the proprietary interest to pursue the patents rights in this situation given German law. An English translation of the applicable German law in support of the legal memorandum was submitted. 37 CFR 3.73(b) statement was submitted on 23 December 2010. Applicant has provided sufficient evidence to demonstrate a proprietary interest in the invention. Item (5) is satisfied. Accordingly, the petition under 37 CFR 1.47(b) is granted.

CONCLUSION

The 20 July 2011 Notification of Abandonment is hereby **VACATED**.

The petition under 37 CFR 1.47(b) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(b) application using the declaration filed 23 December 2010. The application has an international filing date of 21 February 2008 under 35 U.S.C. 363, and a date of 23 December 2010 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at their 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

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SEP 23 2011

PCT LEGAL ADMINISTRATION

ADAM BÜRGER
AM WIESENRAIN 4a
D-83527 HAAG
GERMANY

In re Application of
BÜRGER
Application No.: 12/528,723
PCT No.: PCT/EP08/01372
Int. Filing Date: 21 February 2008
Priority Date: 27 February 2007
Attorney's Docket No.: 4357.86203
For: FERMENTER FOR BIOGAS PLANTS, COMPRISING A SUBMERSIBLE MOTOR-DRIVEN STIRRER VERTICALLY ADJUSTABLE BY MEANS OF A MOTOR

Dear Mr. Bürger:

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

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NOV 03 2011

OFFICE OF PETITIONS

HONIGMAN MILLER SCHWARTZ & COHN LLP/IRON
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO, MI 49007-3800

APPLICANT: ZIMMER, et al.
Appl. No.: 12/528,737
International Filing Date: February 26, 2008
Title: METHODS AND COMPOSITIONS FOR THE TREATMENT OF HEART FAILURE AND OTHER DISORDERS
Attorney Docket No.: 223355-045PCT1US1-127858
Pub. No.: US 2011/0021419 A1
Pub. Date: January 27, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 24, 2011, 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 Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
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UIC Docket
304 Indian Trace Rd, #750
Weston FL 33326

MAILED
SEP 26 2011
PCT LEGAL ADMINISTRATION

In re Application of :
Warpeha, et al. :
Application No.: 12/528,780 :
Receipt Date: 26 August 2009 : DECISION
Attorney Docket No.: 7940-9-1_DA047 :
For: PLANT BIOCHEMICAL SYSTEMS :
AND USES THEREOF :

This decision is in response to applicants' petition to convert, filed in the United States Patent and Trademark Office on 08 February 2011.

BACKGROUND

On 26 August 2009, applicant filed papers identified in electronic data and on the application data sheet as a national phase entry of PCT/US2008/055036.

On 05 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia,* that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 20 April 2010, applicants filed a declaration of the inventors and a letter explaining that the filing had been intended as a continuation-in-part of PCT/US2008/055036.

On 30 June 2010, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of national phase entry under 35 USC 371(c)(1), (c)(2) and (c)(4) and all of 35 USC 371 had been satisfied on 20 April 2010.

On 08 February 2011, applicants submitted the instant petition to convert the application from a filing under 35 USC 371 to a filing under 35 USC 111.

DISCUSSION

Applicants identified this application as a national phase entry of PCT/US2008/055036 with an international filing date of 26 February 2008. However, applicants included material in the specification from US Provisional Application no. 61/096,533 filed 12 September 2008. That provisional expired on 12 September 2009. As applicants would be unable to claim benefit of application no. 61/096,533 without conversion of this application to a filing under 35 USC 111(a), this application will be processed under 35 U.S.C. §111, as requested.

CONCLUSION

For the above reasons, the petition to convert the national stage filing into a filing under 35 U.S.C. §111 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 05 February 2010 and the Notification of Acceptance (Form PCT/DO/EO/903) mailed 30 June 2010 are **VACATED**.

This application is being forwarded to 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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FISH & RICHARDSON P.C. (NY)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of Guglielmo Bonanni., et al. Application No. 12/528,784 Filed: May 6, 2010 Attorney Docket No. 17783-0009US1	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36, filed February 10, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **DUSKA SCIENTIFIC CO.**
C/O SHEPARD GOLDBERG
1600 HILARY COURT
HEWLETT, NY 11557

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United States Patent and Trademark Office
P.O. Box 1450
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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

MAR 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Julie Saha Bose et al	:	
Application No. 12/528,785	:	DECISION ON PETITION
Filed: March 15, 2010	:	TO WITHDRAW
Attorney Docket No. 38371-510N01US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **APPROVED**.

The request was signed by Christina K. Stock on behalf of the practitioners of record associated with Customer Number 30623.

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

All future correspondence will be directed to assignee Reliance Life Sciences Pvt. Ltd. at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Reliance Life Sciences Pvt. Ltd.
c/o JA Kemp & Co.
14 South Square, Gray's Inn
London, WC1R5JJ

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
12/528,785	03/15/2010	Julie Saha Bose	38371-510N01US

CONFIRMATION NO. 6909

POWER OF ATTORNEY NOTICE

23980
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
One Financial Center
BOSTON, MA 02111

OC000000046324837

Date Mailed: 03/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/26/2011.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/528,785	03/15/2010	Julie Saha Bose	38371-510N01US

CONFIRMATION NO. 6909

POA ACCEPTANCE LETTER

Reliance Life Sciences Pvt. Ltd.
c/o JA Kemp & Co.
14 South Square, Gray's Inn
London, WC1R5JJ
UNITED KINGDOM

OC000000046324838

Date Mailed: 03/03/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/26/2011.

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

/idingle/

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

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PCT LEGAL ADMINISTRATION

Dawes Patent Law Group
5200 Warner Blvd, Ste. 106
Huntington Beach CA 92649

In re Application of	:	
BERNTSEN, et al.	:	DECISION ON
Application No.: 12/528,797	:	
PCT No.: PCT/US2008/056665	:	REQUEST UNDER
Int. Filing Date: 12 March 2008	:	
Priority Date: 15 March 2007	:	37 CFR 1.497(d)
Attorney Docket No.: BER4.PAU.01.US	:	
For: AN APPARATUS AND METHOD FOR A DIRECTIONAL FINDER	:	

This decision is in response to applicant's request for correction of inventorship under 37 C.F.R. §1.497(d) filed 08 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 March 2008, applicant filed international application PCT/US2008/056665, which claimed priority of an earlier application filed 15 March 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 15 September 2009.

On 26 August 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 08 September 2009, applicant filed the petition discussed herein.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1), (3) and (4).

As to item (2), the declaration filed 26 August 2009 does not comply with 37 CFR 1.497(a)-(b) in that it has not been executed by all of the inventors. In addition, the filed declaration is illegible as to many of the inventor's names and information.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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JAN 31 2011

PCT LEGAL ADMINISTRATION

Dawes Patent Law Group
5200 Warner Blvd, Ste. 106
Huntington Beach CA 92649

In re Application of	:	
BERNTSEN, et al.	:	DECISION ON
Application No.: 12/528,797	:	
PCT No.: PCT/US2008/056665	:	REQUEST UNDER
Int. Filing Date: 12 March 2008	:	
Priority Date: 15 March 2007	:	37 CFR 1.497(d)
Attorney Docket No.: BER4.PAU.01.US	:	
For: AN APPARATUS AND METHOD FOR A DIRECTIONAL FINDER	:	

This decision is in response to applicant's renewed petition under 37 C.F.R. §1.497(d) filed 10 January 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 November 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration.

On 10 January 2011, applicant filed the renewed petition discussed herein.

DISCUSSION

As detailed in the decision mailed 30 November 2010, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant previously satisfied items (1), (3) and (4).

As to item (2), the declaration filed 10 January 2011 does not comply with 37 CFR 1.497(a)-(b). The declaration consists of four pages. A first page listing inventors Berntsen and Franz and an indication that additional inventors are listed on three additional sheets. Each of these three sheets lists inventors Kennard, Baranowski and Crabtree and each supplemental sheet is individually signed by one of the inventors.

Manual of Patent Examining Procedure (MPEP) Section 201.03 explains:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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FEB 25 2011

PCT LEGAL ADMINISTRATION

Dawes Patent Law Group
5200 Warner Blvd, Ste. 106
Huntington Beach CA 92649

In re Application of	:	
BERNTSEN, et al.	:	DECISION ON
Application No.: 12/528,797	:	
PCT No.: PCT/US2008/056665	:	REQUEST UNDER
Int. Filing Date: 12 March 2008	:	
Priority Date: 15 March 2007	:	37 CFR 1.497(d)
Attorney Docket No.: BER4.PAU.01.US	:	
For: AN APPARATUS AND METHOD FOR A	:	
DIRECTIONAL FINDER	:	

This decision is in response to applicant's renewed petition under 37 C.F.R. §1.497(d) filed 02 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 January 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration.

On 02 February 2011, applicant filed the renewed petition discussed herein.

DISCUSSION

As detailed in the decision mailed 30 November 2010, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant previously satisfied items (1), (3) and (4).

With the filing of the present renewed petition and supporting materials applicant has satisfied the remaining element and it is therefore appropriate to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 12 March 2008 and will be given a date of **02 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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

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United States Patent and Trademark Office
P.O. Box 1450
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Snell & Wilmer L.L.P. (Main)
400 East Van Buren
One Arizona Center
Phoenix AZ 85004-2202

MAILED
FEB 10 2012
PCT LEGAL ADMINISTRATION

In re Application of
OLSON, Jeffrey
Application No.: 12/528,832
PCT No.: PCT/US2008/055332
Int. Filing Date: 28 February 2008
Priority Date: 28 February 2007
Attorney Docket No.: 59180.0200
For: METHOD FOR STIMULATING RETINAL RESPONSE USING PHOTOACTIVE DEVICES

DECISION ON REQUEST

This application is before the Office of PCT Legal Office Administration (PCT Legal Office) for issues arising under 35 U.S.C. 371. Additionally, this decision is issued in response to applicant's "Request to Correct Inventorship Pursuant to 37 CFR 1.48" dated 12 July 2011 treated herein as a Petition under 37 CFR 1.497(d).[1]

The petition under 37 CFR 1.497(d) to add Naresh Mandava is GRANTED and the 09 December 2011 Decision on Request for Correction of Inventorship under 37 CFR 1.48 is hereby ratified.[2]

Applicant requests to add Naresh Mandava as an inventor 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:

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[1]As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request will be treated under 37 CFR 1.497(d).

[2]The Manual of Patent Examining Procedure §201.03 states, in part, that a "Request under 37 CFR 1.48 are generally decided by the primary examiner except: [w]hen the application filed under 35 U.S.C. 371 which, as of the date of filing of the request, has not been accepted as satisfying the requirements for entry into the national stage should be decided in the PCT Legal Office." In this case, the Notification of Acceptance was mailed prematurely, in that, the declaration included an additional inventor not listed on the international application.

(1) 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 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b). Applicant has satisfied items (1) and (4).

The inventorship herein is corrected to the extent that Naresh Mandava has been added as an inventor of record.

Based on the above, the inventors of record herein are now the following: Jeffrey Olson and Naresh Mandava. Taking into consideration the additional inventor, the declaration filed 15 March 2010 is now acceptable under 37 CFR 1.497.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for the mailing of an Official Filing Receipt which identifies Jeffrey Olson and Naresh Mandava as inventors of record.

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

1 8 AUG 2010

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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of	
JEFFREY	DECISION ON
Application No.: 12/528,853	
PCT No.: PCT/GB08/50088	PETITION
Int. Filing Date: 11 February 2008	
Priority Date: 09 March 2007	UNDER 37 CFR 1.47(b)
Attorney's Docket No.: 09064	
For: PARTY BALLOON WITH	
ILLUMINATION DEVICE	

This is a decision on Applicant's "Renewed Petition under 37 CFR 1.47(b)", filed 09 July 2010 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing sole inventor Peter Jeffrey.

BACKGROUND

On 28 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), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 29 March 2010, applicant filed a petition under 37 CFR 1.47(b). On 21 May 2010, a decision on the petition was mailed indicating that the requirements of 37 CFR 1.47(b) had not been satisfied.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has previously satisfied Items (1), (2),(3) and (4). With the submission of the

renewed petition, Item (5) is satisfied in that the 37 CFR 1.47(b) applicant has demonstrated that the above referenced invention has been assigned to the 37 CFR 1.47(b) applicant. Moreover, the 37 CFR 1.47(b) applicant has demonstrated how Seatriever International Holdings Limited has a proprietary interest in the above referenced application, with the submission of a statement under 37 CFR 3.73(b) by the assignee.

Item (6) is now satisfied as a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage has been provided.

Items (1)- (6) above have been satisfied. Accordingly, the petition under 37 CFR 1.47(b) is GRANTED.

CONCLUSION

The petition under 37 CFR 1.47(b) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(b) application using the declaration filed. The application has an international filing date of 11 February 2008 under 35 U.S.C. 363, and a date of 29 March 2010 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at their 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

18 AUG 2010

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PETER JEFFREY
98 SOUTH MOSSLEY HILL ROAD
LIVERPOOL, L19 9BJ
ENGLAND

In re Application of
JEFFREY
Application No.: 12/528,853
PCT No.: PCT/GB08/50088
Int. Filing Date: 11 February 2008
Priority Date: 09 March 2007
Attorney's Docket No.: 09064
For: PARTY BALLOON WITH ILLUMINATION DEVICE

Dear Mr. Jeffrey:

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

DENNISON, SCHULTZ & MACDONALD
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MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of:	:	
Nils Arne Braaten	:	
Application No. 12/528,856	:	NOTICE
Filed: April 6, 2010	:	
Attorney Docket No. 09065	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 7, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to Technology Center 2858.

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

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

IM IP Law PLLC
P.O. Box 355
Scarsdale NY 10583

In re Patent No. 8,127,044 :
Issued: February 28, 2012 :
Application No.: 12/528,857 : NOTICE
Filed: . December 7, 2009 :
Attorney Docket No: **GRYN270US** :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

21 SEP 2010

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DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
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In re Application of	:	DECISION ON
Efthymious et al	:	
Application No: 12/528,861	:	
PCT No.: PCT/US2008/83077	:	
Int. Filing Date: 11 November 2008	:	PETITION UNDER
Priority Date: 11 November 2007	:	
Attorney's Docket No.: 1139-076	:	
For: SEAT CONDITIONING... METHOD	:	37 CFR 1.47(a)

This is in response to the "PETITION BY JOINT...OR CANNOT BE REACHED (37 CFR 1.47(a))" filed on 21 July 2010. The $200.00 petition fee has been charged to petitioner Deposit Account No.: 50-1097 as stipulated in the petition.

BACKGROUND

On 27 August 2010, 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.

On 05 Novemer 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 21 July 2010, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the inventors, i.e., without the signature of Paul STICHHALLER.

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.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

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. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. 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.

Petitioner has satisfied items (1), and (4) of 37 CFR 1.47(a). However, items (2) and (3) of 37 CFR 1.47(a) have not been satisfied.

Regarding item (1), petitioner has been charged the petition fee $200 under 37 CFR 1.17(g) to Deposit Account 50-1097.

Regarding item (2), although the statement by Mr. Zuzga states that a "statement of facts in support of filing on behalf of the nonsigning inventor" no such statement of facts has been provided in the filed petition.

Regarding item (3), petitioner has not provided an affirmative statement of the last known address of the missing joint inventor, Paul Stichhaller.

Regarding time (4), petitioner has provided a properly executed declaration under 37 CFR 1.47(a)

Consequently, at this time it can not be concluded that Mr. Stichhaller has refused to sign the documents based on the evidence provided.

Accordingly, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

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

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

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

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SUITE 210
PONTIAC MI 48342

MAILED
JAN 04 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Efthymious et al	:	
Application No: 12/528,861	:	
PCT No.: PCT/US2008/83077	:	
Int. Filing Date: 11 November 2008	:	PETITION UNDER
Priority Date: 11 November 2007	:	
Attorney's Docket No.: 1139-076	:	
For: SEAT CONDITIONING... METHOD	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION BY JOINT INVENTORS ... UNDER 37 CFR 1.47(a)" filed on 08 January 2010.

BACKGROUND

In a decision from this Office on 21 September 2010, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (2)-(3) under 37 CFR 1.47(a) weres not satisfied.

On 08 November 2010, petitioner submitted a "Renewed 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 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.

Petitioner renewed petition has satisfied item (3) but not item (2) of 37 CFR 1.47(a).

Regarding item (2), the averments of Ms. Kristen Novelletto are not sufficient to support a finding that the nonsigning co-inventor, Stichhaller refuses to sign because it is unclear if 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 hi signature, and that the inventor refused to signed the required papers as required under MPEP. 409.03(d).

A review of the affidavits is not clear that a complete set of application papers were mailed and presented to Mr. Stichhaller to sign. It is noted that no documentary evidence has been introduced into the file that shows that Mr. Stichhaller was presented with a complete application as the affidavit of Ms. Novelletto only refers to the Declaration and Assignment. Also, the phone call on June 16, 2010 is not sufficient if Mr. Stichhhaller was not previously presented with a complete copy of the application papers.

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. It would appear, from Ms Novelletto statement provided that Mr. Stichhaller was only given the declaration and the assignment to sign and not a complete copy of the application.

The current record does not sufficiently establish Mr. Stichhaller's refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Regarding item (3), petitioner has provided a statement of the last known address of the nonsigning co-inventor.

Paul Stichhaller
540 Sacred Heart drive
LaSalle, Ont. Cananda
N9j-3L9

Consequently, the renewed petition does not still satisfy all the requirements 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 "Second Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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
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SUITE 210
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In re Application of	:	DECISION ON RENEWED
Efthymious et al	:	
Application No: 12/528,861	:	
PCT No.: PCT/US2008/83077	:	
Int. Filing Date: 11 November 2008	:	PETITION UNDER
Priority Date: 11 November 2007	:	
Attorney's Docket No.: 1139-076	:	
For: SEAT CONDITIONING... METHOD	:	37 CFR 1.47(a)

This is in response to the "2ND RENEWED PETITION... UNDER (37 CFR 1.47(a))" filed on 04 April 2011.

BACKGROUND

In a decision from this Office on 04 January 2011, the renewed petition filed on 08 November 2010 was dismissed. The decision indicated that petitioner failed to meet item (2) under 37 CFR 1.47(a).

On 04 April 2011, petitioner submitted a renewed petition accompanied, inter alia, with another statement from Kristen Novelleto.

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.

Petitioner has still not satisfied item (2) of 37 CFR 1.47(a).

Regarding item (2), as indicated in the previous decision the previous attempts (the phone call conversation on June 16, 2010) did not satisfy item (2) as Mr. Stichhaller had not been presented with a complete copy of the application papers.

Petitioner has still not met not this requirement because although a package of a complete of the application papers were mailed to Mr. Stichhaller's last known address on 3/21/11, delivery was unachievable and Ms. Novelletto instructed the courier service to return the package to W.E.T. offices.

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. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventors, item (2) cannot be considered satisfied. In this instance, the statement by Ms. Novelletto shows that the application papers have still not been delivered to Mr. Stichhaller, that is, he still has not received the application papers. The renewed petition basically summarizes the previous petition.

The current record does not sufficiently establish Mr. Stichhaller's refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required paper after he received the papers.

Because the package was undeliverable, it is unclear if he still reside in the last known address. If Mr. Stichhaller does not reside in his last known address, then petitioner is under an obligation to try to find or reach him. Where there is an inability to find or reach a joint inventor "after diligent effort," petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Consequently, the petition still has 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)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

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SEP 16 2011

PCT LEGAL ADMINISTRATION

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC MI 48342

In re Application of	:	DECISION ON RENEWED
Efthymious et al	:	
Application No: 12/528,861	:	
PCT No.: PCT/US2008/83077	:	
Int. Filing Date: 11 November 2008	:	PETITION UNDER
Priority Date: 11 November 2007	:	
Attorney's Docket No.: 1139-076	:	
For: SEAT CONDITIONING... METHOD	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION BY JOINT INVENTORS ... UNDER 37 CFR 1.47(a)," filed on 21 July 2011.

BACKGROUND

In a decision from this Office on 07 June 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 21 July 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 24 October 2007 with respect to accepting the above application without the signature of Mr. Paul Stichhaller.

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 21 July 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the statements by Anna M.V. VANNELLI and Donald J. REVAIT, who has first-hand knowledge of the facts, have provided statements outlining the steps taken to deliver the application papers to the non-signing inventor Paul STICHHALLER on July 13, 011, and Mr. STICHHALLER has not returned the required papers signed. On July 12, 2012 Ms. Vannelli prepared a letter addressed to joint inventor Stichhaller wherein she enclosed the application papers (Patent Application and Declaration), note ¶ 9 of her declaration, and retained services of Donald Revait, Investigator/Process Server to effect personal delivery of the application papers to Paul STICHHALLER.

In addition, Mr. Revait states that he delivered the application papers personally to Mr. STICHHALLER on July 13, 2011.

As of filing the renewed petition, petitioner has not indicated otherwise nor does it appear to Mr. STICHHALLER has contacted petitioner.

Consequently, at this time it can be concluded Paul STICHHALLER that has refused to sign the documents.

Petitioner has now satisfied item (2) 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

COMMISSIONER FOR PATENTS
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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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Paul Stichhaller
540 Sacred Heart drive
LaSalle, Ont. Cananda
N9j-3L9

MAILED

SEP 16 2011

PCT LEGAL ADMINISTRATION

In re Application of
Efthymious et al
Application No: 12/528,861
PCT No.: PCT/US2008/83077
Int. Filing Date: 11 November 2008
Priority Date: 11 November 2007
Attorney's Docket No.: 1139-076
For: SEAT CONDITIONING... METHOD

Dear: Mr. Stichhaller,

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

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC MI 48342

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

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

Application No:	12/528,949	Filing date:	08-27-2009
First Named Inventor:	Chris Lloyd Drenth		
Title of the Invention:	HIGH PRODUCTIVITY CORE DRILLING SYSTEM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/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/US08/55656

The international filing date of the corresponding PCT application(s) is/are: March 3, 2008

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/528,949
First Named Inventor:	Chris Lloyd Drenth

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 27, 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 27, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	Claims 1-25 of the U.S. Application are the same claims as claims
		1-25 of the corresponding PCT Application
		which Box No. V of the Written Opinion indicates are allowable.

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

Signature /Ryan E. Keller/	Date 05-25-2011
Name (Print/Typed) Ryan E. Keller	Registration Number 60516

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.
12/528,949	08/27/2009	Chris Lloyd Drenth	17443.39a.1	8188

22913 7590 07/07/2011
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER
GOTTLIEB, ELIZABETH C

ART UNIT	PAPER NUMBER
3676	

MAIL DATE	DELIVERY MODE
07/07/2011	PAPER

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

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

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JUL - 7 2011

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re application of	:	**DECISION ON REQUEST TO**
Chris Lloyd Drenth	:	**PARTICIPATE IN PATENT**
Application No. 12/528,949	:	**PROSECUTION HIGHWAY**
Filed: August 27, 2009	:	**PROGRAM AND PETITION**
For: HIGH PRODUCTIVITY CORE	:	**TO MAKE SPECIAL UNDER**
DRILLING SYSTEM	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 25, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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;
(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 complies with the above requirements, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 07/06/11

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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.
12/528,991	08/27/2009	Kunihiko Fujiwara	Q114846	8478

23373 7590 02/02/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
CHIN, RANDALL E

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
02/02/2011	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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

In re Application of	:	
FUJIWARA, KUNIHIKO	:	DECISION ON REQUEST TO
Application No. 12/528,991	:	PARTICIPATE IN PATENT
Filed: Aug. 27, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q114846	:	PROGRAM AND PETITION
For: OPTICAL CONNECTOR CLEANING TOOL	:	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 31, 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. 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 Joe Hail, SPE of Art Unit 3723, and 571-272-4485 for Class 15/97 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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NOV 08 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
AIBA, TATSUSHI et al.	:	DECISION ON REQUEST TO
Application No. 12/529,042	:	PARTICIPATE IN PATENT
Filed: August 28, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 1254-0413PUS1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 04, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DEC 2 0 2010

PCT LEGAL ADMINISTRATION

MATTHEW R. JENKINS, ESQ.
2310 FAR HILLS BUILDING
DAYTON OH 45419

In re Application of	:	DECISION ON
LAU et al.	:	
Application No.: 12/529,059	:	PETITION UNDER
PCT No.: PCT/EP2008/052390	:	
Int. Filing Date: 27 February 2008	:	37 CFR § 1.47(b)
Priority Date: 06 March 2007	:	
Attorney Docket No.: VAL 327 P2 - BFR 0511	:	
For: AUXILIARY ELECTRIC SOCKET	:	
FOR AUTOMOBILE	:	

This is a decision on applicants' petition filed in the United States Patent and Trademark Office (USPTO) on 19 November 2010, which has properly been treated as a petition under 37 CFR 1.47(b). The petition is **DISMISSED** without prejudice. (Where at least one joint inventor is available, the proper petition is under 37 CFR 1.47(a). Where no inventor is available, the proper petition is under 37 CFR 1.47(b).)

BACKGROUND

On 27 February 2008, applicants filed international application PCT/EP2008/052390, which designated the US and claimed a priority date of 06 March 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 September 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2009 (06 September 2009 being a Sunday and 07 September 2009 being a Federal holiday).

On 28 August 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 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 19 November 2010, applicants submitted a petition under 37 CFR 1.47(b). The

petition was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a first declaration of facts by Chi-Hai Tran with documentation in support thereof, a declaration of facts by Sylvie Henny with documentation in support thereof, and a second declaration of facts by Chi-Hai Tran.

DISCUSSION

Petition Under 37 CFR 1.47(b) for Inventor CAN

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.

Items (1), (3), (4), and (6) have been met.

Item (2) has not been met. MPEP § 409.03(d), item I states in part:

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

The first declaration of facts by Mr. Tran and the declaration of facts by Ms. Henny have been considered. Translations of the supporting documentation have not been provided. Also, the letter mailed 04 April 2008 is described as being "undeliverable" while the letter of 05 October 2010 is described as being "unclaimed." It is not clear what is meant by "unclaimed." For example, it could mean that Mr. Can lives at that address but that he did not respond to a notice left at his residence to pick up correspondence at the post office. If this is the case, it is unclear why Mr. Can did not claim the correspondence. For example, he may have been temporarily out of town.

Item (5) has not been met. No proof that the 37 CFR 1.47(b) applicant has sufficient

proprietary interest in the application has been provided. Rather, it is merely asserted that Mr. CAN was under an obligation to assign the invention. Attention is directed to MPEP § 409.03 which 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.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

Petition Under 37 CFR 1.47(b) for Inventors LAU, BONNET, and GARRIC

No factual proof that any of these inventors refuse to execute the application or cannot be reached after diligent effort has been provided. It is not clear from the second declaration of facts by Mr. Tran when attempts were made to determine the addresses of these inventors or when or if the application papers were sent to these inventors.

CONCLUSION

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

Since the reply filed 19 November 2010 appears to have been bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of

this notice, whichever is longer, within which to provide a proper response. Extensions of this time period may be granted 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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAILED

AUG 19 2011

PCT LEGAL ADMINISTRATION

MATTHEW R. JENKINS, ESQ.
2310 FAR HILLS BUILDING
DAYTON OH 45419

In re Application of	:	DECISION ON
LAU et al.	:	
Application No.: 12/529,059	:	PETITION UNDER
PCT No.: PCT/EP2008/052390	:	
Int. Filing Date: 27 February 2008	:	37 CFR § 1.47(a)
Priority Date: 06 March 2007	:	
Attorney Docket No.: VAL 327 P2 - BFR 0511	:	
For: AUXILIARY ELECTRIC SOCKET	:	
FOR AUTOMOBILE	:	

This is a decision on applicants' petition filed in the United States Patent and Trademark Office (USPTO) on 20 June 2011, which has properly been treated as a petition under 37 CFR 1.47(a). The petition is **DISMISSED** without prejudice. (Where at least one joint inventor is available, the proper petition is under 37 CFR 1.47(a). Where no inventor is available, the proper petition is under 37 CFR 1.47(b). In the petition filed 20 June 2011, the declaration of inventors has been executed by three of the four joint inventors. Accordingly, the petition has properly been treated as a petition under 37 CFR 1.47(a).)

BACKGROUND

On 27 February 2008, applicants filed international application PCT/EP2008/052390, which designated the US and claimed a priority date of 06 March 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 September 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2009 (06 September 2009 being a Sunday and 07 September 2009 being a Federal holiday).

On 28 August 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 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 19 November 2010, applicants submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a first declaration of facts by Chi-Hai Tran with documentation in support thereof, a declaration of facts by Sylvie Henny with documentation in support thereof, and a second declaration of facts by Chi-Hai Tran.

On 20 December 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(b).

On 15 June 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time and a third declaration of facts by Chi-Hai Tran.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (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.

Items (1), (3), and (4) have been met.

Item (2) has not been met for non-signing inventor Jean-Michel CAN. "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)." Here, it is not clear that Mr. CAN was presented with a copy of the application papers. A package containing the specification, claims, drawings, and declaration of inventors was sent to Mr. CAN by mail on 04 October 2010. The package was returned as unclaimed. However, it is not clear why the package was unclaimed. The third declaration of facts by Mr. Tran states that "unclaimed" "means that the postal authorities notified the recipient, but he did not claim it. However, this does not preclude Mr. CAN having been on vacation or out of town around the time the correspondence was mailed. An inventor being out of town or on vacation is not an acceptable reason for filing under 37 CFR 1.47(a). (MPEP § 409.03(d), item I, states that the "fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is <u>not</u> an acceptable reason for filing under 37 CFR 1.47.") It is suggested another attempt to deliver the application papers via a hand delivery service (e.g., Federal Express, United Parcel Service, etc.) with some type of confirmation of receipt be made.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

CONCLUSION

For the above reasons, 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. **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(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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
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PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

DEC 19 2011

PCT LEGAL ADMINISTRATION

MATTHEW R. JENKINS, ESQ.
2310 FAR HILLS BUILDING
DAYTON OH 45419

In re Application of	:	DECISION ON
LAU et al.	:	
Application No.: 12/529,059	:	PETITION UNDER
PCT No.: PCT/EP2008/052390	:	
Int. Filing Date: 27 February 2008	:	37 CFR § 1.47(a)
Priority Date: 06 March 2007	:	
Attorney Docket No.: VAL 327 P2 - BFR 0511	:	
For: AUXILIARY ELECTRIC SOCKET	:	
FOR AUTOMOBILE	:	

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 19 October 2011, which has properly been treated as a petition under 37 CFR 1.47(a). The petition is **GRANTED**.

BACKGROUND

On 27 February 2008, applicants filed international application PCT/EP2008/052390, which designated the US and claimed a priority date of 06 March 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 September 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2009 (06 September 2009 being a Sunday and 07 September 2009 being a Federal holiday).

On 28 August 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 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 19 November 2010, applicants submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a first declaration of facts by Chi-Hai Tran with documentation in support thereof, a declaration of facts

by Sylvie Henny with documentation in support thereof, and a second declaration of facts by Chi-Hai Tran.

On 20 December 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(b).

On 20 June 2011, applicants filed a petition under 37 CFR 1.47(a) (because three of the four previously non-signing inventors had executed a declaration) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time and a third declaration of facts by Chi-Hai Tran.

On 19 August 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 19 October 2011, applicants 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) the fee under 37 CFR 1.17(i); (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 issued 19 August 2011, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that non-signing inventor Jean-Michel CAN has been presented with the application papers. Mr. CAN's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

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 and a 35 U.S.C. 371 date of **20 June 2011**.

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Jean-Michel Can
Hameau de Losse
09230 FABAS
FRANCE

MAILED
DEC 19 2011
PCT LEGAL ADMINISTRATION

In re Application of
LAU et al.
Application No.: 12/529,059
PCT No.: PCT/EP2008/052390
Int. Filing Date: 27 February 2008
Priority Date: 06 March 2007
Attorney Docket No.: VAL 327 P2 - BFR 0511
For: AUXILIARY ELECTRIC SOCKET FOR AUTOMOBILE

Dear Mr. Can:

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/

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Telephone: (571) 272-3301

MATTHEW R. JENKINS, ESQ.
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DAYTON OH 45419

2 7 SEP 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
Hodgson et al.	:	
Application No.: 12/529,116	:	DECISION
PCT No.: PCT/US2008/057954	:	
Int. Filing Date: 21 March 2008	:	ON
Priority Date: 22 March 2007	:	
Attorney Docket No.: 091330-0217	:	PETITION
For: Lighting Devices	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed 03 August 2010.

DISCUSSION

In a Decision mailed on 07 June 2010, the petition under 37 CFR 1.47(a) filed on 05 May 2010 was dismissed, without prejudice, because

> Regarding **requirement (2)**, petitioner has provided a "Statement of Facts..." signed by Atty. Rawlins, who indicates that, on 05 April 2010, he sent a letter (accompanied by a declaration and a copy of the application) to Mr. Vonderwell at his last known address. Copies of the latter and related postal evidence accompany the statement. Atty. Rawlins notes that the USPS returned the letter as undeliverable. As such, it would not be appropriate to construe Mr. Vonderwell's failure to return an executed declaration as a "refusal" within the meaning of 37 CFR 1.47(a). Instead, these facts suggest that Mr. Vonderwell has moved from his last known address, and, as such, that petitioner should adduce evidence showing what diligent efforts were undertaken to find or reach him at any new address. In the absence of such a showing, it would not be appropriate at this time to conclude that requirement (2) has been satisfied.

In response, petitioner has obtained Mr. Vonderwell's signature on a declaration, rendering the petition under 37 CFR 1.47(a) moot. Taken together with the declaration filed on 05 May 2010, the declaration filed on 03 August 2010 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **03 August 2010**.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Browdy and Neimark, PLLC
624 NINTH STREET, N.W.
Suite 300
Washington DC 20001-5303

MAILED
FEB 03 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Eiji MASUTANI	:	
Application No. 12/529,121	:	
PCT No.: PCT/JP2008/053575	:	
Int. Filing Date: 28 February 2008	:	
Priority Date: 28 February 2007	:	PETITION UNDER
Attorney's Docket No.: MASUTANI 16	:	
For: SEAT BOTTOM PRETENSIONER	:	
FOR VEHICLE SEAT	:	37 CFR 1.137 (b)

This decision is in response to applicant's "Petition To Revive Patent Application Under 37 CFR 1.137(b)," filed on 03 December 2010.

BACKGROUND

On 28 February 2008, this international application was filed, claiming an earliest priority date of 28 February 2007. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 28 August 2009.

On 28 August 2009, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

On 09 December 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." To avoid abandonment, the above items 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.

On 15 November 2010, 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 12/09/2009 within the time period set therein.

On 03 December 2010, applicant filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has not provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3).

In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy all the items 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
Tel: (571) 272-3276
Fax: (571) 273-0459

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

SEP 28 2010

OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
Klaus-Karl Wasmuht, et al.	:	
Application No. 12/529,143	:	DECISION ON PETITION
Filed: August 28, 2009	:	
Attorney Docket No. 30051/44911	:	

This is a decision on the petition under 37 CFR 1.182, filed, August 26, 2010, to change the name of inventor "Cornelia Stumpe" to – Cornelia Folz --.

The petition is **DISMISSED**.

The request cannot be granted because the petitioner has not provided a copy of the procedure whereby the change of name was effected nor has he provided proof of his actual given name

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

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.

/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

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

MAILED
NOV 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Klaus-Karl Wasmuht.	:	
Application No. 12/529,143	:	DECISION ON PETITION
Filed: February 4, 2010	:	
Attorney Docket No. 30051/44911	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed, October 6, 2010, to change the name of inventor "Cornelia Stumpe" to – Cornelia Folz --.

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 April M. Wise at (571) 272-1642. 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 1781 for appropriate action by the Examiner in the normal course of business.

/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
12/529,143	02/04/2010	1781	2020	30051/44911	35	2

CONFIRMATION NO. 1111

CORRECTED FILING RECEIPT

4743
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

OC000000044479313

Date Mailed: 11/15/2010

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)

Klaus-Karl Wasmuht, Ellingen, GERMANY;
Cornelia Folz, Regensburg, GERMANY;
Kurt Stippler, Marzling, GERMANY;
Thomas Albrecht, Beilngries, GERMANY;
Heinz Humele, Thalmassing, GERMANY;
Michael Thomas Stein, Freising, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 04743

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP08/00793 01/31/2008

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 07004460.7 03/05/2007

If Required, Foreign Filing License Granted: 01/22/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/529,143**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

BEER FILTER

Preliminary Class

426

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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TECHNOLOGY CENTER 2600

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

In re Application of	:	
AIBA, TATSUSHI et al.	:	DECISION ON REQUEST TO
Application No. 12/529,152	:	PARTICIPATE IN PATENT
Filed: September 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 5132-0142PUS1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 06, 2010 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with items 2 and 6 above.

Regarding item 2, allowed claims from JPO have been provided for JPO application 2008-555992 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO application 2007-152560 for which priority is claimed has not been established. In response to this decision, Requestor must establish the relationship between the application containing the allowed claims and that for which priority is claimed. Furthermore, it is apparent from the submitted copy of the allowed claims in JPO application 2008-555992 that claim 6 was deleted. However, the correspondence table provided indicates claims 1-11 were patentable in the JPO application and the translation of allowed claims provides a claim 6. Thus leading to confusion of which claims were allowed in the JPO application. Clarification is required.

Regarding item 6, the JPO office action provided cites a document WO 2008/115110. However there are no IDS of record that lists the document cited by the JPO examiner. Nor is there a copy of such document provided in the file record. An IDS listing the document cited by the JPO examiner in the JPO office action along with a copy of the document is required.

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.

Any response must be submitted via EFS-web.

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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

In re Application of	:	
AIBA, TATSUSHI et al	:	DECISION ON REQUEST TO
Application No. 12/529,152	:	PARTICIPATE IN PATENT
Filed: September 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 5132-0142PUS1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

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

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Shohei YAMADA et al.	:	
Application No. 12/529,160	:	DECISION ON PETITION
Filed: August 28, 2009	:	
Attorney Docket No. 1609-0229PUS1	:	

This is a decision on the petition filed May 19, 2011, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed May 16, 2011 be withdrawn. The $400 petition fee has been received.

The petition is **dismissed.**

Petitioner request withdrawal of the terminal disclaimer filed May 16, 2011. Petitioner request that the terminal disclaimer not be considered in the examination of the application and that the terminal disclaimer should not have been filed. The undersigned has consulted with the examiner in charge of this application, and the examiner indicates that terminal disclaimer is still needed to overcome the double patenting rejection of all claims. Accordingly, the terminal disclaimer will not be withdrawn.

Telephone inquiries related to this decision should be addressed to Michelle R. Eason at (571) – 272-4231

Thurman K. Page
Petitions Examiner
Office of Petitions

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OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER, CANADA V6B 1-G1

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MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of SEMOTIUK et al	:	
U.S. Application No.: 12/529,168	:	
PCT Application No.: PCT/CA2008/000382	:	DECISION
Int. Filing Date: 27 February 2008	:	
Priority Date Claimed: 01 March 2007	:	
Attorney Docket No.: R414 0007/GSO	:	
For: ENVIRONMENTAL CULVERT SYSTEM	:	

This is in response to applicant's correspondence filed 07 May 2010, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 27 February 2008, applicant filed international application PCT/CA2008/000382, which claimed priority of an earlier United States application filed 01 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 04 September 2008. The thirty-month period for paying the basic national fee in the United States expired on 01 September 2009.

On 28 August 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 10 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 08 January 2010, applicant filed executed declarations and a request for status under 37 CFR 1.42.

On 18 March 2010, this Office mailed a decision dismissing the 08 January 2010 request.

On 07 May 2010, applicant filed a newly executed declaration and the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The request for status states that joint inventor Robert Semotiuk is deceased.

37 CFR 1.42 provides, "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."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 07 May 2010 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 February 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/529,264	08/31/2009	Nobuo Kawakami	SGI0019US	1681

23413 7590 07/11/2011
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
HALL, SHAUNA-KAY N

ART UNIT	PAPER NUMBER
3714	

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):

usptopatentmail@cantorcolburn.com

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

In re Application of: KAWAKAMI, NOBUO Serial No.: 12/529264 Filed: August 31, 2009 Attorney Docket No. : SGI0019US Title: ACCESS CONTROL DEVICE, ACCESS CONTROL METHOD, AND ACCESS CONTROL PROGRAM	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 17, 2011 to make the above-identified application special.

The request and petition are **granted.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/529,270	08/31/2009	Junji Yano	347472US2PCT	1747

22850 7590 08/31/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2189	

NOTIFICATION DATE	DELIVERY MODE
08/31/2010	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):

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: YANO, et al.
Application No. 12/529,270
Filed August 31, 2009
For: Memory System

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 10, 2010 to make the above-identified application special.

The petition is **GRANTED.**

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

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

Or

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

Or

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

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

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

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

(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);

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

The petition is **GRANTED.**

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

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

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

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

/Mano Padmanabhan/

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

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PCT LEGAL ADMINISTRATION

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of
Ishii et al.
Application No.: 12/529,276
PCT No.: PCT/JP2008/0053305
Int. Filing Date: 26 February 2008
Priority Date: 01 March 2007
Attorney Docket No.: 17401/192001
For: Base Station Apparatus And Communication Control Method

DECISION

This is in response to the refund request filed on 04 May 2010.

BACKGROUND

This international application was filed on 26 February 2008, claimed an earliest priority date of 01 March 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 September 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 September 2009. Applicants filed *inter alia* the basic national fee on 31 August 2009.

On 08 October 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 08 December 2009, applicants filed a response.

On 12 March 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed to applicants.

DISCUSSION

Applicants request a refund in the amount of $270.00, corresponding to the application size fee. Counsel urges that the application size fee charged to their Deposit Account was not due in view of the page count of the published international application. 37 CFR 1.26(a) provides that

> The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Director may require such information, or use the

> banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

Applicants' attention is also drawn to MPEP 1893.01(c), which explains (in part) that

> The application size fee for a national stage application (37 CFR 1.492 (j)) is determined on the basis of the international application as published by WIPO pursuant to PCT Article 21. Specifically, the application size fee is calculated on the basis of the number of sheets of description, claims, drawings, and abstract present in the published international application. This calculation is made without regard to the language of publication. Certain other sheets typically present in the international publication are not taken into account in determining the application size fee, i.e., Article 19 amendments, the international search report, and any additional bibliographic sheets (other than the cover sheet containing the abstract). Nor are Article 34 amendments or preliminary amendments taken into account in determining the application size fee.

Inspection of the published international application reveals that it included 112 sheets of description, 2 sheets of claims, 21 sheets of drawings and the abstract. Since the total number of sheets present exceeded 100 but did not exceed 150, the application size fee in the amount of $270.00 was payable. Thus, the single $270.00 fee under 37 CFR 1.492(j) was proper. Applicants paid this $270.00 application size fee on 31 August 2010; however, the USPTO subsequently charged a second $270.00 application size fee to counsel's deposit account. In view of the foregoing discussion, this second application size fee was not due or payable; as such, the charge was made in error, and the funds will be refunded to applicants.

DECISION

The refund request is **GRANTED**, as described above.

The $270.00 (fee code 1681) charged to counsel's Deposit Account (accounting date 10/07/2009) is being refunded.

This application is being returned to Technology Center 2400.

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

MAILED

JAN 10 2012

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DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of: STEINBORN, Mario, et al. :
U.S. Application No.: 12/529,284 :
PCT No.: PCT/EP2008/052544 :
International Filing Date: 03 March 2008 :
Priority Date: 13 March 2007 :
Attorney's Docket No.: ZF P308US :
For: METHOD FOR DETERMINING THE :
OUTPUT ROTATIONAL SPEED OF A :
MANUAL TRANSMISSION :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed on 19 December 2011. Deposit Account No. 04-0213 will be charged the applicable $400 petition fee.

BACKGROUND

On 31 August 2009, applicants filed materials to initiate the present U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, an application data sheet (ADS) identifying the application as the national stage of PCT/**EP**2008/052544, a declaration executing PCT/**EP**2008/052544, and a copy of the publication of PCT/**EP**2008/052544. However, as evidenced by the Electronic Acknowledgement Receipt, the information provided by applicants during the electronic filing process identified the application as the national stage of PCT/**DE**2008/052544. Thus, applicants' original national stage submission of 31 August 2011 identified two different international application numbers to which the submission was purportedly directed.

On 28 June 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt that identified the application as the national stage of PCT/**DE**2008/052544.

On 19 December 2011, applicants filed the "Petition Under 37 CFR 1.182" considered herein.

DISCUSSION

The present petition seeks to correct the error in the international application number provided during the electronic filing process and to confirm that the present application is the national stage of PCT/**EP**2008/052544. The petition notes that the materials included with the original national stage submission (e.g., the declaration) included the correct international

application number. In addition, the petition authorized a charge to Deposit Account No. 04-0213 for required fees, pursuant to which the Deposit Account will be charged the required petition fee.

The present petition satisfies the requirements for a grantable petition to correct the error in the international application number provided during the electronic filing process. Accordingly, the materials filed herein on 31 August 2009, including the payment of the basic national fee, will be treated as having been directed to international application PCT/**EP**2008/052544. These materials were filed prior to the expiration of thirty months from the priority date of PCT/**EP**2008/052544, thereby avoiding abandonment of the international application with respect to the United States.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The present application will be treated as the U.S. national stage of PCT/**EP**2008/052544.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed on 28 June 2011, both of which identified the application as PCT/**DE**2008/052544, are hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including issuing a corrected "Notification Of Acceptance" and filing receipt identifying the application as the national stage of PCT/**EP**2008/052544.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-329

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAR 17 2011

PCT LEGAL ADMINISTRATION

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

In re Application of	:	
SCHNITZER et al.	:	
Application No.: 12/529,339	:	DECISION
PCT No.: PCT/US2008/002727	:	
Int. Filing Date: 29 February 2008	:	
Priority Date: 02 March 2007	:	
Attorney Docket No.: 049146-1501	:	
For: ECTOPIC, ORTHOTOPIC MODEL FOR	:	
REVASCULARIZATION AND TUMOR ASSESSMENT	:	

This decision is in response to applicants' request for refund filed in the United States Patent and Trademark Office (USPTO) on 27 October 2010.

BACKGROUND

On 29 February 2008, applicants filed international application PCT/US2008/002727, which designated the U.S. and claimed a priority date of 02 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 12 September 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 September 2009.

On 31 August 2009, applicants filed, *inter alia*, 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 17 June 2010, applicants filed a "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT" (Form PTO/SB/83).

On 28 July 2010, a decision was mailed indicating that the request to withdraw as attorney of record was not approved.

On 19 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 October 2010, applicant filed the instant request for refund.

DISCUSSION

The request for refund requests a refund of $928 charged to Deposit Account 190741 on 18 October 2010. It is urged that the refund is due because the application was transferred on 14 May 2010 to a different law firm. However, petitioner's law firm is still the law firm of record. As noted above, the request to withdraw as attorney of record was not approved. Authorization to charge the Deposit Account is set forth in the Transmittal Letter (Form PTO-1390) filed 31 August 2009.

CONCLUSION

The request for refund under 37 CFR 1.26 is **REFUSED** 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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

17 AUG 2010

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
WHITTEN, David, G.	:	
Application No.: 12/529,390	:	DECISION
PCT No.: PCT/US2008/002756	:	
Int. Filing Date: 29 February 2008	:	ON REQUEST UNDER
Priority Date: 01 March 2007	:	
Attorney's Docket No.: UF.641CXC1	:	37 CFR 1.497(d)
For: SURFACE GRAFTED CONJUGATED	:	
POLYMERS	:	

This decision is in response to request under 37 CFR 1.48, filed in the United States Patent and Trademark Office on 17 May 2010. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 13 January 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 13 May 2010, applicants filed a declaration of the inventors listing eight inventors, including Eunkyung Ji.

On 17 May 2010, applicants filed this petition to add inventor Eunkyung Ji to the application.

DISCUSSION

Applicants file this request to add Eunkyung Ji, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. Applicants have not furnished written consent of the assignee in compliance with 37 CFR 3.73. The consent of University of Florida Research Foundation, Inc., indicates that it is the assignee of the entire right, title and interest in the parent application, but there is a joint assignee. 37 CFR 3.73(c)(2). The consent of STC.UNM indicates that copies of the assignments are attached, but copies were not attached, nor was the location of the assignments identified by reel and frame number. 37 CFR 3.73(a)

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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 Request Under 37 CFR 1.497(d)". 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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PCT LEGAL ADMINISTRATION

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
WHITTEN, David, G.	:	
Application No.: 12/529,390	:	DECISION
PCT No.: PCT/US2008/002756	:	
Int. Filing Date: 29 February 2008	:	ON REQUEST UNDER
Priority Date: 01 March 2007	:	
Attorney's Docket No.: UF.641CXC1	:	37 CFR 1.497(d)
For: SURFACE GRAFTED CONJUGATED	:	
POLYMERS	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 28 September 2010.

BACKGROUND

On 17 August 2010, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicants' request and setting a two month period for response.

On 28 September 2010, applicants filed this renewed request to add inventor Eunkyung Ji to the application.

DISCUSSION

Applicants file this request to add Eunkyung Ji, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. Applicants have not furnished written consent of the assignee in compliance with 37 CFR 3.73. Applicants have supplied statements under 37 CFR 3.73 from each of the assignees, but have not also furnished the consent of the assignees to the addition of the inventor. Under 37 CFR 3.73(c)(1), the establishment of ownership must be

submitted prior to or at the same time as the paper requesting or taking action. The request for action must be resubmitted.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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 Request Under 37 CFR 1.497(d)". 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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PCT LEGAL ADMINISTRATION

SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of WHITTEN, David, G. Application No.: 12/529,390 PCT No.: PCT/US2008/002756 Int. Filing Date: 29 February 2008 Priority Date: 01 March 2007 Attorney's Docket No.: UF.641CXC1 For: SURFACE GRAFTED CONJUGATED POLYMERS	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 17 January 2011.

BACKGROUND

On 26 November 2010, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicants' request and setting a two month period for response.

On 17 January 2011, applicants filed this renewed request to add inventor Eunkyung Ji to the application.

DISCUSSION

Applicants file this request to add Eunkyung Ji, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) 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

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	12529431
Filing Date	01-Sep-2009
First Named Inventor	Robert Alexander
Art Unit	3691
Examiner Name	BIJENDRA SHRESTHA
Attorney Docket Number	080881/00002
Title	System and Method to Facilitate Charitable Giving

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25223

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

10.40(c)(1)(vi)

10.40(c)(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	Robert L. Alexander SR
Address	11701 Locust Dale Court
City	Mitchellville
State	MD
Postal Code	20721

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/gms/
Name	Gregory M. Stone
Registration Number	43165

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 29, 2012

In re Application of :

Robert Alexander

Application No : 12529431

Filed : 01-Sep-2009

Attorney Docket No : 080881/00002

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 29, 2012

The request is **APPROVED.**

The request was signed by Gregory M. Stone (registration no. 43165) on behalf of all attorneys/agents associated with Customer Number 25223 . All attorneys/agents associated with Cusotmer Number 25223 have been withdrawn.

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

Name	Robert L. Alexander SR
Name2	
Address 1	11701 Locust Dale Court
Address 2	
City	Mitchellville
State	MD
Postal Code	20721
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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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 10017

MAILED
MAR 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Hankinson et al.	:	
Application No. 12/529,436	:	DECISION ON PETITION
Filed: March 8, 2010		TO WITHDRAW FROM RECORD
Attorney Docket No. 15248USECT	:	
	:	

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 2, 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 Fariba Sirjani on behalf of himself. Accordingly, Fariba Sirjani associated with the above-identified application has been withdrawn as attorney of record in the above-identified application.

The correspondence address of record remains unchanged.

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

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

Application No. 12/529,436

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Fariba Sirjani
925 Delaware Avenue, Apt 9C
Buffalo, NY 14209

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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK, NY 10017

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of :
Christopher Hankinson, et al. :
Application No. 12/529,436 :
Filed: March 8, 2010 :
Atty Docket No.: 15248USECT :

NOTICE

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

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

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

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

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

- 7 SEP 2010

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of	:	
MOLLER, et al.	:	
U.S. Application No.: 12/529,447	:	DECISION ON PETITION
PCT No.: PCT/EP2008/052456	:	
Int. Filing Date: 28 February 2008	:	UNDER 37 CFR 1.182
Priority Date: 02 March 2007	:	
Attorney's Docket No.: BAYSCH-0218	:	
For: MINERALCORTICOID RECEPTOR	:	
ANTAGONISTS FOR THE TREATMENT	:	
OF ENDOMETRIOSIS	:	

This decision is in response to applicant's "Petition Under 37 CFR 1.182" filed 05 August 2010 in the United States Patent and Trademark Office (USPTO). As authorized, the $400.00 petition fee will be charged to deposit account number 13-3402.

BACKGROUND

On 28 February 2008, applicant filed international application PCT/EP2008/052456, which claimed priority of an earlier application filed 02 March 2007. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 12 September 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 02 September 2009.

On 01 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application and an Application Data Sheet and a preliminary amendment. Applicant did not file an executed oath or declaration of the inventors.

On 11 January 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond.

On 22 February 2010, applicant filed an executed declaration of the inventors.

On 05 March 2010, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) instructing applicant that there was a discrepancy between the filed declaration and the published international application as to the name of the second listed inventor. Applicant was afforded one month to provide a proper response to the notification. Applicant was further advised that this period was not extendable but that the period set in the Form PCT/DO/EO/905 mailed 11 January 2010 could be extended pursuant to 37 CFR 1.136(a).

On 05 August 2010, applicant filed the petition discussed herein. As authorized, the petition fee for a petition for a five-month extension of time (from 11 March 2010 to 11 August 2010) will be charged to deposit account number 13-3402. The response is considered timely filed.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The present petition is accompanied by a signed statement from inventor Ulrike Kaufmann-Reiche explaining that her name changed as a result of marriage. The declaration is signed by Dr. Kaufmann-Reiche in both her maiden and current married name. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is **22 February 2010**.

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

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27 SEP 2010

42015
POTOMAC PATENT GROUP PLLC
P.O. Box 270
Fredericksburg, VA 22404

In re Application of
KOUZNETSOV *et al*
U.S. Application No.: 12/529,475
PCT No.: PCT/SE2008/050225
Int. Filing Date: 29 February 2008
Priority Date: 01 March 2007
Attorney Docket No.: 0904-035
For: METHOD, MATERIAL AND APPARATUS FOR ENHANCING DYNAMIC STIFFNESS

DECISION

This decision is in response to the papers filed 26 July 2010 which are treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 04 June 2010, a decision dismissing applicants' declaration submitted under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 26 July 2010, applicant submitted the instant response.

DISCUSSION

In the prior decision, it was noted that the declaration provided did not comply with 37 CFR 1.497(a)(3) as the citizenship of the deceased inventor was not specifically listed on the declaration with the citizenship of the legal representative.

In the instant response, applicants submitted a statement by counsel attesting that the citizenship of the deceased inventor and the citizenship of the legal representative listed on the declaration filed 25 March 2010 were both Russian citizens.

This statement is allowed to cure the defect on the declaration.

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 29 February 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 25 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

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FEB 24 2012

OFFICE OF PETITIONS

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

In re Application of	: DECISION ON REQUEST TO
Ross LETO et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 12/529,479	: AND PETITION TO MAKE SPECIAL
Filed: December 22, 2009	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: Q114776	:

For: APPARATUS FOR USE IN ADVANCING A CABLE THROUGH A CONDUIT

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 30, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

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

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

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

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

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

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; 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 Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

This application will be forwarded to Technology Center Art Unit 3727 for action commensurate with this decision.

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

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

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of
Elliot Gruskin, et al.
Application No. 12/529,562
Filed: September 2, 2009
Attorney Docket No. 2579.062US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 29, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner, PA has been revoked by the assignee of the patent application on September 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/529,607	09/02/2009	Hidenori Moriya	347718US26PCT	4805

22850 7590 08/12/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
HOANG, JOHNNY H

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
08/12/2011	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):

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

AUG 12 2011

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

In re Application of	:	
MORIYA, HIDENORI	:	DECISION ON REQUEST TO
Application No. 12/529,607	:	PARTICIPATE IN PATENT
Filed: September 2, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 347718US26PCT	:	PROGRAM AND PETITION
For: CONTROL APPARATUS OF INTERNAL	:	TO MAKE SPECIAL UNDER
COMBUSTION ENGINE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 10, 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 is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FARIBA SIRJANI
925 DELWARE AVENUE, APT. 9C
BUFFALO, NY 14209

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael Roy Hudswell, et al.	:	
Application No. 12/529,613	:	DECISION ON PETITION
Filed: April 14, 2010	:	TO WITHDRAW
Attorney Docket No. 15250USECT	:	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 2, 2011.

The request is **APPROVED**.

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

The request was signed by Fariba Sirjani. Fariba Sirjani have been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MEREDITH & KEYHANI, PLLC**
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 10017

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.
12/529,661	09/10/2009	Michael G. Tulissi	P100119US00NJ	5196

23378 7590 08/12/2011
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

EXAMINER
SUCHFIELD, GEORGE A

ART UNIT	PAPER NUMBER
3676	

MAIL DATE	DELIVERY MODE
08/12/2011	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
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AUG 1 2 2011

BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM AL 35203-2104

In re application of Tulissi et al. Application No. 12/529,661 Filed: September 10, 2009 For: FRACTURING METHOD AND APPARATUS UTILIZING GELLED ISOLATION FLUID	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 02, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the CIPO application(s) containing the allowable/patentable claim(s);
(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 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: 8/11/11

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM AL 35203-2104

MAILED

DEC 12 2011

OFFICE OF PETITIONS

In re Application of :
TULISSI et al. :
Application No. 12/529,661 :
Filed: 09/10/2009 :
Attorney Docket No. P100119US00NJ :

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 22, 2011.

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

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

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

This application is being forwarded to Technology Center Art Unit 3676 for examination in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
DEC 20 2010
PCT LEGAL ADMINISTRATION

Mallinckrodt Inc.
675 McDonnell Boulevard
HAZELWOOD MO 63042

In re Application of WANG et al. Application No.: 12/529,723 PCT No.: PCT/US08/003070 Int. Filing: 06 March 2008 Priority Date: 06 March 2007 Attorney Docket No.: H-MP-00034 WO/US For: PROCESS FOR THE PREPARATION OF QUATERNARY N-ALKYL MORPHINAN ALKALOID SALTS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 November 2010 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $1620 has been paid.

Applicant submitted the newly executed declaration by inventor Peter Wang, in compliance with 37 CFR 1.497, was submitted. The $130 surcharge for filing the declaration after the thirty month period was also paid.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 22 November 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

PTO/SB/20EP (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 PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/529,750	Filing Date:	09/03/2009
First Named Inventor:	HENDRIKS, MARTINUS ADRIANUS		
Attorney Docket No.:	09-7436		
Title of the Invention:	A METHOD FOR PRINTING A SUBSTRATE USING AN ANILOX ROLL, AN ANILOX ROLL FOR A PRINTING METHOD AND A PRINTING APPRATUS		

THIS REQUEST FOR PARTICIPATION IN THE **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 PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT 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 EPO 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 EPO/PCT application number(s) is/are: PCT/NL2008/050841

The filing date of the EPO/ PCT application(s) is/are: 12/22/2008

I. List of Required Documents:

a. **A copy of all EPO office actions (which are relevant to patentability) in the above-identified EPO application(s) or a copy of a positive Extended European Search Report (EESR) if no EPO office actions have been issued by the EPO**

☑ Is attached.*

b. **A copy of all claims which were determined to be patentable by EPO in the above-identified EPO application(s)**

☑ Is attached.*

c. **(1) An information disclosure statement listing the documents cited in the EPO 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 _____

*English translations of the documents along with a statement that the English translation are accurate are also attached if the documents are not in the English language.

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 PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EPO AND THE USPTO

(continued)

Application No.:	12/529,750
First Named Inventor:	HENDRIKS, MARTINUS ADRIANUS

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in EPO Application	Explanation regarding the correspondence
18-21	1	
22	2	
23-24	3	
25	4	
26	5	
27	6	
28	7	
29-31	8	
32	9	
33-35	10	
36	11	
37-38	12	
39	13	
40-43	14	
44-46	15	
47	16	
48	17	

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the EPO application.

Signature	Date 03/02/2011
Name (Print/Typed) Bryan L. Loeffler	Registration Number 61,810

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.
12/529,750		Martinus Adrianus Hendriks	09-7436	6148

39820 7590 04/12/2011
EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES, FL 34103

EXAMINER

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
04/12/2011	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

EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES FL 34103

In re Application of
Martinus HENDRIKS
Application No.: 12/529,750
Filed: 03 September 2009
Attorney Docket No.: 09-7436
For: A METHOD FOR PRINTING A SUBSTRATE USING AN ANILOX ROLL, AN ANILOX ROLL FOR A PRINTING METHOD AND A PRINTING 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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 02 March 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 (3) and (5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (4) and (6)

Regarding the requirement of condition (4), applicant has filed to ensure that the US claims sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application. For example only, US claim 18 clearly does not correspond to PCT claim 1.

Regarding the requirement of condition (6), applicant has failed to submit 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.

It cannot be determined whether conditions (1), (2), and (7) have been met since condition (6) has not been met.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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:	12/529,750	Filing date:	09/03/2009
First Named Inventor:	HENDRIKS, MARTINUS ADRIANUS		
Title of the Invention:	09-7436		

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/ NL2008/050841

The international filing date of the corresponding PCT application(s) is/are: 12/22/2008

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).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/529,750
First Named Inventor:	HENDRIKS, MARTINUS ADRIANUS

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 03/02/2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 03/02/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
49	1	
50	2	
51	3	
52	4	
53	5	
54	6	
55	7	
56	8	
57	9	
58	10	
59	11	
60	12	
61	13	
62	14	
63	15	
64	16	
65	17	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 5/2/2011
Name (Print/Typed) Bryan L. Loeffler	Registration Number 61,810

(19) Europäisches Patentamt
European Patent Office
Office européen des brevets

(11) EP 2 121 339 B1

(12) EUROPEAN PATENT SPECIFICATION

(45) Date of publication and mention of the grant of the patent:
02.03.2011 Bulletin 2011/09

(21) Application number: 08836787.5

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(54) **A METHOD FOR PRINTING A SUBSTRATE USING AN ANILOX ROLL, AN ANILOX ROLL FOR A PRINTING METHOD AND A PRINTING APPARATUS**

VERFAHREN ZUM BEDRUCKEN EINES SUBSTRATS MITHILFE EINER ANILOX-ROLLE, ANILOX-ROLLE FÜR DAS BEDRUCKUNGSVERFAHREN UND DRUCKVORRICHTUNG

PROCÉDÉ POUR IMPRIMER UN SUBSTRAT À L'AIDE D'UN ROULEAU ANILOX, ROULEAU ANILOX POUR UN PROCÉDÉ D'IMPRESSION ET APPAREIL D'IMPRESSION

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Description

[0001] The invention relates to an anilox roll. The invention also relates to printing of substrates wherein use is made of an anilox roll. The invention further relates to a printing apparatus, comprising an anilox roll. The invention also concerns using and forming an anilox roll.

[0002] Anilox rolls have been used in flexographic methods in the printing industry. This printing method was used generally for printing different substrates, such as papers, labels, tape, (plastic) bags and boxes. Anilox rolls can be used in printing methods other than flexographic methods. Also offset printing and intaglio. An anilox roll is used in these other methods for transferring ink in precise and constant amounts.

[0003] An anilox roll comprises a generally hard cylinder, having a core of steel or aluminium. On top of the core a thin layer of ceramics is provided. In the thin layer usually small ink cells, hereafter cells, are engraved. In a known embodiment cells are formed having a hexagonal or honeycomb pattern on the surface of the anilox roll. The cells have a volume for receiving ink as a function of the size of the cell and depth of the cell. The size of the cells on the surface of the anilox roll will determine the density of cells. The density of cells is expressed in lines per linear centimetres. The volume of the cell will determine the operational mode of the anilox roll. Patterns and cells on the surface of the anilox roll can be formed using a laser by performing a laser engraving method. The method can comprise a continuous or pulsating laser. The laser is directed onto the surface of the anilox roll forming a laser spot and the laser spot will engrave a pattern onto the surface. The intensity of the laser is sufficient for locally vaporising the material of the outer layer of the anilox roll, for example chromium oxide. This will form a cell. A cell comprises a local recess in the surface of the roll surrounded by cell walls. A single cell wall can be a wall for two adjacent cells, separating the cells.

[0004] The anilox roll is mounted by bearings in a printing apparatus such as a flexographic apparatus. The anilox roll comprises longitudinal ends of the cylinder that can be mounted onto a frame of the printing apparatus. The anilox roll is releasably mounted in order to allow cleaning or radid changing. The anilox roll can rotate about its longitudinal axis in a circumferential direction.

[0005] The rotating anilox roll can be partially emerged in a ink fountain or a fountain roll is partially emerged in an ink fountain, said fountain roll being in contact with the anilox roll for transferring the ink onto the anilox roll and into the cells. In operation the printing apparatus comprising the anilox roll will operate to transfer ink onto the surface of the anilox roll and the surface structure is arranged for retaining the ink on and in the surface. The ink is viscous. A blade is used to scrape surplus of ink from the anilox roll or the ink roll. Ink will remain in the cells formed on the surface of the anilox roll.

[0006] In operation the anilox roll will rotate and the surface of the anilox roll will contact a rotatable printing cylinder. The printing cylinder will receive in an operational mode of the anilox roll a part of the ink collected on/in the surface of the anilox roll. The amount of transferred ink will depend on the image to be printed. The printing cylinder will transfer the ink in the next step onto the substrate. A problem in transferring the ink from the anilox roll onto the printing roll is that ink can remain in this formed cells on the surface of the anilox roll. The viscosity of the ink as well as the speed of the printing process can result in ink remaining on the anilox roll. This will effect the printing the substrate. Further ink residue will remain in the cells.

[0007] After a partial transfer of the ink from the surface of the anilox roll, that part of the surface will rotate further and will once again reach the ink roll or ink fountain. The cells can function as an air pump bringing air into the ink resulting in foaming of the ink, and said air in the cells will limit transfer of ink into the cell. The air in the cells should be replaced by ink and a certain amount of time is needed for making such a replacement, limiting the speed of rotation and finally the printing speed.

[0008] The desired colour intensity of the substrate to be printed will influence directly the volume of the cells. If the volume of the cells is increased, more ink will be printed on the substrate, intensifying the resulting colour. Heavy layers of ink are formed on the substrate using cells having a relatively large volume, transferring relatively large droplets of ink, while details in printing are obtained using cells having a relatively small volume.

[0009] The density of cells is expressed in lines per centimetre. Known line screens for prior art cell-like surface structures are for example 100 - 180 lines per centimetre. The different line screens have specific purposes. An anilox roll having 100 lines per centimetre is well suited for printing heavy layers of ink on a substrate. A relatively large volume of ink will be transferred in an operational mode of the anilox roll. Anilox rolls having 180 lines per centimetre will have a high resolution, making them more suitable for printing details on a substrate. Rolls having a higher line screen will transfer droplets of ink having a relatively smaller volume which will result in transferring less ink in total in this operational mode of the anilox roll. An anilox roll having a high line screen is less suitable for printing heavy layers of ink.

[0010] In prior art printing methods a balance is to be found between high resolution and colour intensity. A higher line screen can be provided with cells having more depth. This would increase the cell volume. However, in practice using cells of increased depth will result in an increase of ink residue remaining in the cell. Not all ink from the cell will be transferred onto the printing roll. Therefore still the printed substrate will not show the desired colour intensity.

[0011] One of the problems of prior art anilox rolls is the fact that an anilox roll can only have a single line screen. Known anilox rolls do not allow printing an image on a substrate wherein the image comprises both heavy

layers of ink and details. Replacing an anilox roll is a time consuming and costly process, since printing will be disabled temporarily and different anilox rolls having different line screens are are to be provided.

[0012] Another problem in relation to known anilox rolls is the necessity of repeatedly cleaning the anilox rolls as a result of ink remaining in cells of the anilox rolls. This is due to the fact of the cell nature of the anilox roll. This will also result in waste of ink. Ink of subsequent printing processes will collect in the cells. The properties of the anilox roll will deteriorate. The anilox roll will have to be cleaned regularly. This is a time consuming and difficult process.

[0013] It is therefore a goal of the invention to alleviate or reduce at least one of the known problems of the anilox rolls. Another goal can be to provide improved methods for forming an anilox roll.

[0014] An improved anilox roll is provided by the invention. The anilox roll comprises a cylinder having a roll surface. In the surface a fluid distribution structure is arranged for receiving, distributing and transferring a fluid such as an ink. The fluid can be a liquid or pasty mass. The fluid distribution structure comprises a channel formed in the cylinder for distributing fluid over the fluid distribution structure. A channel improves fluid transfer properties in respect of cells. Fluid is received more easily in a channel, and a channel is cleaned more easily. A channel comprises a recess formed in the surface of the anilox roll that is surrounded by channel walls. The channel has a course. that is generally parallel to the direction of the channel walls at both sides of the channel part. The channel walls can locally converge of diverge.

[0015] In an embodiment the fluid distribution structure is arranged to transfer in a first operational mode for printing heavy layers of ink a suitable, relatively large fluid droplet and in a second operational mode for printing details a suitable relatively small fluid droplet. This is allowed according to the invention by a suitable combination of restrictions provided in the fluid distribution structure, wherein a restriction is formed by a local change of at least one of channel depth and/or channel width and/or channel form and/or channel wall. In one and the same distribution structure both functionalities, details and heavy layers, are arranged on the same surface depending on the operational mode.

[0016] An operational mode of the anilox roll is a functional behaviour during transfer of the fluid for printing substrate. When printing details, relatively small ink amounts are desired and for printing heavy layers of ink relatively large ink amounts are desired. An anilox roll according to this embodiment combines the two properties by providing restrictions formed on the surface of the anilox roll.

[0017] In an embodiment the relatively small droplets suitable for printing details are provided by open cells formed in the fluid distribution structure surrounded only partially by channel walls. The open cells are at least partially interconnected, allowing formation of a droplet size in the first operational mode that is suitable for printing heavy layers of ink by combining the volume of ink from different cells.

[0018] A restriction according to an embodiment comprises a change in the course of a channel or in particular a channel part. This allows forming a meandering channel. Ink can be distributed over the surface of the anilox roll in the channel. But the distribution is hindered by the meandering of the channel.

[0019] The anilox roll comprises in an embodiment for the first operational mode a fluid distribution structure comprising a meandering channel over the surface of the roll. The meandering channel forms a restriction. In the channel a relative large ink volume is received. The meandering channel forms a device for printing a heavy layer of ink. The device for printing a heavy layer of ink is part of the fluid distribution structure. The restrictions cooperate to form a structure of relative small volumes in the channel, however these volumes can be combined to form a relatively large droplet of ink in dependency of the operational mode. The operational mode is determined by the transfer of fluid from the anilox roll onto the printing roll. The printing roll comprises the image to be printed. The image can comprise details or a heavy layer of ink or another ink volume image and determines the amount of ink to be transferred.

[0020] In an embodiment the anilox roll comprises for the second operational mode channel parts formed in the, preferably meandering, channel, said channel parts having a droplet volume that is suitable for printing details. The channel parts form a device for printing details that is formed in the fluid distribution structure. Every channel part is arranged for transferring a fluid droplet of relatively small size to allow printing details. The channel part, on at least two opposite sides surrounded by channel walls, forms a restriction that allows a particular operational mode.

[0021] In an advantageous embodiment the device for printing a heavy layer of ink and the device for printing details overlap, allowing one and the same channel part to function according to the operational mode as determined by the ink transferring properties of the printing roll.

[0022] In an embodiment adjacent channel parts are positioned at an angle with respect to each other for preventing a linear distribution of fluid received in that channel in a course direction of that channel. As the channel parts are connected and the course of the channel parts are positioned at an angle, the formed channel will allows a meandering distribution of the received fluid in the channel.

[0023] In an embodiment the formed connection is relatively large with respect to the droplet size, and allow a droplet to move in between adjacent channel parts, although the angle and the meandering form of the channel prevent linear distribution of the ink.

[0024] In an embodiment of an anilox roll different channel parts can be indicated/recognized by a skilled person. Still a channel can be a relatively continuous,

preferably also meandering, combination of channel parts that collectively form the fluid structure. Side walls of the channel do allow meandering distribution of the fluid received in the channel. The side walls of the channel are arranged for meandering a flow of ink throughout the fluid distribution structure, but also restrict lineair flow. The ink can be received into the channels, but can also be transferred for printing the substrate.

[0025] It is noted that on page 72 of the book "The Anilox Roll" by Joseph P. Trungale (ISBN 1-885067-03-8, published 1997) an anilox roll is described having a cell structure, the cells being surrounded by lands or walls having varying heights. According to the book, the structure was designed to allow both process and line printing. As such, the book does not disclose an anilox roll having a meandering channel.

[0026] It is noted that US 4,819,558 in the name van C.J. Counard discloses an anilox roll. The disclosed anilox roll comprises a cell structure of diamond shaped cells having a pyramid shaped depth. At the surface of the anilox roll two cells are connected by a straight channel of limited depth. In US 4,819,558 the channel is not arranged for allowing two operational modes to be combined and to overlap in a single surface, and in particularly US 4,819,558 does not disclose a channel having channel parts that combine to form a channel wherein the channel course is angled. The disclosed structure will allow only one operational mode in dependence of the size of the cells. Side walls of the channels are not arranged for allowing a meandering flow of fluid over de fluid distribution structure. The structure of the surface of the anilox roll according the US 4,819,559 is a cell structure only.

[0027] It is noted that US 4,301,583 discloses a anilox roll. The known anilox roll comprises a structure of honeycomb cells. Two adjacent cells are connected through a straight channel. The cells and channels form in a circumferential direction of the anilox roll a single row. The course direction of the channels in a row are located at a single line. The centre point of the connected cells are positioned in a single row. The linear distribution of the fluid is allowed in a circumferential direction of the anilox roll in the known embodiment. The side walls of the channel are not arranged to allow meandering of a fluid throughout a fluid distribution structure. The disclosed structure does not combine a device for printing heavy layers of ink and a device for printing details, but can function only according to one operational mode.

[0028] From WO 96/40443 a engraved roll is known, having a structure for distributing a fluid over the surface of the roll. The known structure comprises diamond shaped cells, the cells being positioned in a circumferential direction of the roll in a single line. The cells are interconnected through small channels. The course of the channels extends in the circumferential direction of the roll. Side walls of the structure as disclosed in WO 96/40443 are symmetrically positioned around the longitudinal axis of

[0029] the channel, i.e. the course of the channel. The known channel allows linear distribution of the fluid in a circumferential direction of the roll. According to the invention restrictions will prevent such a linear distribution.

[0030] A restriction to be used in combination with the fluid distribution structure can be the channel depth. By reducing the channel depth a local change of the fluid distribution structure is obtained, which will allow reducing the droplet size of the ink to be received in the channel part having the reduced channel depth. Such a local change can form a weak link between cells formed at both ends of the channel having the reduced depth. The channel depth can for example be reduced with at most 50%, but preferably at most 30%. Because varying the channel depth will locally influence the size of the ink droplet to be received in the channel part, such a restriction is not preferred. In experiments by the applicant it is shown that a local change of restrictions cooperating to allow a constant local droplet size in the structure, results in the best printing properties.

[0031] The channel preferably has a generally flat or single level bottom. This will allow the channel to receive relatively large amounts of ink over its entire length or at least a large part of its entire length. A flat bottom improves the capabilities for printing in the first operational mode for printing heavy layers of ink.

[0032] A channel comprises channel parts that are connected to each other. The channel parts are arranged to receive ink droplets of relatively small size that are suitable for printing details. The connection between the channel parts comprises preferably a connection of the same channel depth as the channel parts. This will allow physical interaction between the volumes of fluid received in the adjacent channel parts.

[0033] In an embodiments the channel parts have a generally constant width. This will allow transport of fluid between the channel parts in a relatively simple way. The flow of fluid between the channel parts is diminished by changing the course of the channel. In such an embodiment the channel lacks local congestion and/or upward pressure points. Upward pressure points have a negative impact on printing properties since the ink will be pushed out of the channel. This will prevent filling of the fluid distribution structure completely, which will diminish the function of the device for printing heavy layers of ink. In particular upward pressure can be the result of a blade scraping the roll. US 4,819,558 discloses such upward pressure point formed by converging walls, converging in a direction parallel to the circumferential / rotational direction.

[0034] In an embodiment the restrictions are formed by side walls of the channel. The restrictions comprise preferably at least 90%, in an embodiment at least 95%, and in an embodiment at least 98% restrictions in the form of wall parts. A wall part will extend above the fluid level when fluid is received in de structure, between the wall parts.

[0035] It is possible that wall parts forming side walls

of a channel extending perpendicular from a bottom of the channel. By application of perpendicular side walls restricting the bottom of the channel, a channel can receive a relatively large amount of ink. The channel preferably has a U-shaped cross-section. The channels can have a limited depth in respect of pyramid shaped cells, which will reduce the chance of ink residues remaining in the channel after transferring ink onto the printing roll. A generally flat bottom will prevent forming stagnation or upward pressure points/regions in the channel.

[0036] The anilox roll having a surface according to the invention will allow combining the properties of an anilox roll having a cell structure of 100 lines per centimetre (first operational mode) and an anilox roll having a cell structure of 180 line per centimetres (second operational mode) to be combined. The invention allows a resolution up to 300-500 lines per centimetre, and such an anilox roll according to the invention will still be able to print heavy layers of ink having desired colour intensity properties. An anilox roll will have a surface that will allow the ink to be received more evenly distributed. Stress is reduced in the ink. The ink lies calmly on the surface of the anilox roll, which will allow subsequent transfer.

[0037] Ink is received in the channel parts more easily in comparison to a cell structure. Ink can be transferred from the surface of the anilox roll more easily. Tensions in the ink will be reduced during transfer. Rotation of the anilox roll during the printing process will result in less scraping of the ink from the anilox roll in comparison to a cell structure. The ink is pressed in front of the blade and is received in the open structure of the channels. The internal stress in the ink is reduced. An advantage is that printing a heavy layer ink is possible, whilst having a grid of fine lines that allows printing details on a substrate.

[0038] Distribution of the fluid is allowed according to one aspect of the invention in a limited way. By limiting distribution of the fluid over the fluid distribution structure a problem known for prior art anilox rolls is prevented. Known anilox rolls having parallel straight channels will allow too much distribution of the fluid, which results in not being able to dose the ink in proper amount, in particular for printing details. The restrictions according to the invention will allow such dosing in relatively small amounts of ink.

[0039] In an embodiment wall parts of a channel part are positioned in a radial direction from a position in the fluid distribution structure within a distance less than 120 μm, in an embodiment less than 100 μm, preferably less than 80 μm. Every location within the fluid distribution structure is surrounded by a restriction at a relative short distance.

[0040] This will prevent linear distribution of the fluid in an efficient manner. It is advantageous to restrict distribution of fluid in radial direction using wall parts. A limited distribution is allowed only. The channel comprising channel parts does not extend linearly, but is suitably curved.

[0041] The curvature in an embodiment is a least such that straight connection lines between locations in different channel parts are prevented. A suitable curvature can be an angle of at least 30 degrees, in an embodiment at least 45 degrees and in an embodiment at least 90 degrees.

[0042] In an embodiment foaming is prevented by channel parts extending, and preferably a channel having channel parts extending generally in a circumferential direction of the anilox roll. Such channels can be formed in a suitable manner as will be explained in more detail hereunder or using known techniques for forming such channels, wherein such channels extend adjacent to each other in a circumferential direction of the anilox roll.

[0043] Preferably in a longitudinal direction adjacent a first channel, a second channel is formed. The second channel is parallel to the first channel. A fluid distribution structure can comprise parallel oscillating or wavy channels. Such oscillating channels can be formed parallel to each other. The channels can be separated from each other by means of a separation wall or side wall. In a channel a meandering flow of fluid is allowed, preferably in a circumferential direction of the anilox roll. The ink can be distributed over the anilox roll. The free path in the channel structure is limited by restrictions according to the invention which will allow printing of details onto a substrate due to relatively small volumes of ink formed in the fluid distribution structure.

[0044] A wall between the first channel and the second channel can have a width of smaller than 4 μm, preferably in a range of 1-3 μm. Arrangements of relatively small walls will results in a relatively large amount of surface of the anilox roll that can be used for receiving fluid. The amount of received and transferred ink in combination with the high resolution of detail is improved substantially with respect to prior art arrangements and allows functioning in both operational modes. In combination with the perpendicular side walls extending from a bottom of the channel, the channel will have a relatively large volume for receiving ink, said volume of ink being easily transferable, leaving small amount of ink residue, for printing details. The channels comprise restrictions that allow printing details in the image printed on the substrate. Restrictions are formed by wall parts of the channel. The amount of ink that can be transferred is, when ink is combined from different channel parts, enough to allow printing of heavy layers of ink on the substrate.

[0045] To allow a meandering flow of fluid in the channel, the side walls of the channel can be formed anti-symmetrical with respect to the course of the channel. This will allow forming a wavy or oscillating pattern of channels. The channels have a course that follows a sinus. The course of the channel changes at every position and this change forms a restriction according to the invention, which allows the anilox roll to function according to both operational modes. The wall parts of the channel, in this embodiment oscillating wall parts, allow a connection between the ink volumes received in the channel

over the length of the channel, but do also allow disconnecting the connection between the ink volumes as a result of curvatures in the channel course, allowing obtaining relatively small volumes of ink for printing details.

[0046] The oscillating channels can have an amplitude that is generally equal to or preferably larger than the width of the channel. This will prevent the linear distribution of fluid in the oscillating channel. A flow of fluid in the channel is will force ink to follow the meandering channel, already curving at a distance from the channel side walls.

[0047] In an embodiment channels have a width in the range of 10 - 200 μm, in an embodiment 10 - 100 μm, preferably 15 - 80 μm.

[0048] In an embodiment a channel part is cell shaped. Cell shaped is to be interpreted as not comprising a closed cell. It is possible that the fluid distribution structure comprises a number of separated wall parts that surround cell shaped channel parts. The separated wall parts are fluid conducting walls that allow directing a flowing fluid in a desired direction. Meandering distribution of the fluid in the channel formed between cell shaped channel parts is allowed. A linear distribution of the fluid is prevented. The fluid can be distributed over a large area of the fluid distribution structure, but the distribution is diverted by restrictions that allow meandering distribution only.

[0049] The cell shaped channel parts have at least three open connections with adjacent cell shaped channel parts. This allows distribution of the fluid received in the channel parts and allows a meandering distribution. The cell shaped channel parts are unlike cells according to the prior art, part of a channel that receives ink droplet suitable for printing details. The connection between channel parts is arranged to allow a relatively substantial amount of the droplet volume to move freely between adjacent channel parts, but does not allow linear distribution. The structure of the surface of the anilox roll according to the invention formed by restrictions is not a cell structure that allows receiving fluid in the respective cells and the structure according to the invention does not allow unlimited linear distribution of the fluid over the surface.

[0050] The cell channel shaped channel part is in an embodiment characterised by channel wall parts that converge towards a connecting part that forms the connection between the first cell shaped channel part and another cell shaped channel part. In an embodiment a channel part according to the invention is provided only if the connection part is at least 10% of the channel width. 10% width guarantees sufficient distribution.

[0051] In an embodiment a cell shaped channel part has at least two connections within adjacent cell shaped channel parts. This will allow the combination of the fluid volume received in the channel parts in a first operational mode, because the connections allow combining the two ink volumes, and in the second operation mode, as the connection between the connected cells can be separated in a second operational mode, allowing transfer of small volumes of ink. If multiple connection parts between two adjacent cell shaped parts are present, the connection parts can be smaller. In an embodiment such connection parts can be smaller than 5% of the channel width. The smaller connection parts preferably do not have a reduced channel depth.

[0052] Further a width of an open connection between channel parts is preferably at least 40%, and more preferably at least 60% of a width of a cell shaped channel part.

[0053] In an embodiment a cell shaped channel part has at least three adjacent cell shaped channel parts. This will allow obtaining ink volumes for printing heavy layers of ink in a straight forward manner. In a preferred embodiment the cell shaped channel part has at least two connections which each adjacent cell shaped channel part. This will allow easy transfer of the ink and combination of the ink volumes during transfer in the first operational mode.

[0054] In an embodiment the bottom of the connection between channel parts is at the same level as bottoms of the channel parts. A restriction in the flow between the channels is reduced and is only limited by the position of the channel walls. The channel depth is not a congestion point for the ink, which would result in not optimally applying the properties of the fluid distribution structure.

[0055] The open channel structure allows a high line screen of preferably over 120 lines per centimetre and in an embodiment at least 150 lines per centimetre. This allows printing in a high resolution. The open structure allows the transfer of high volumes of ink that in prior art arrangement would only be possible if cell structures would be used having relatively low line screen. The invention allows a high line screen and printing of heavy layers of ink having a desired intensity.

[0056] The channel formed in the surface of the anilox roll extends over a relative large surface area through connections. This relative large surface area allows collection of a large amount of ink during transfer. The connected channel parts can have a surface area of at least four or six or even ten times larger than the surface of the cell of anilox rolls according tot he prior art.

[0057] According to an embodiment the fluid distribution structure has a grid. The grid repeats itself over the surface of the roll. The grid is formed by wall parts of the channel and channel parts formed between the wall parts. The grid forms the fluid distribution structure that allows a limited distribution of the fluid of preferably at most four times the size of the grid. In an embodiment a linear connection between two points on the fluid distribution structure is limited to a length of at most four times the grid size. The skilled person will be able to determine a grid size. A grid size can be determined in a manner similar to prior art arrangement, for example lines per centimetre.

[0058] In an embodiment the free path, that is the length in a straight line from a point in the fluid distribution structure that is positioned between two walls in a first

direction is at most four times the free path in the second direction perpendicular to the first direction. The second direction is preferably a connecting line between two generally parallel walls or the course direction of the channel part. The distribution as a result of a free floating path is in this embodiment ellipse shaped. The limited distribution correlates preferably with the grid size and therefore with the length of the connection line between two at least parallel side walls of two different open cells. The limited distribution according to an embodiment is further limited to at most three times the grid size.

[0059] Preferably an anilox roll is provided having a channel part that is cell shaped having a combined surface area of at least 20.000 and more particular at least 40.000 μm^2. In an embodiment the combined surface area spreads around the complete cylinder. The combined surface area is the accumulation of every connected open cell in that channel. Such surface area can be substantially larger than the surface of the cell structure of comparable anilox rolls according to the prior art. Such surface areas are similar to at least four connected cells of known grid pattern (100 lines per centimetre) for anilox rolls having cells.

[0060] In an embodiment channel parts extend generally in a circumferential direction of the anilox roll. This will allow an open connection between channel parts in a circumferential direction. This is advantageous for filling the channel parts with the fluid. Because the channels are connected with other channel parts in a circumferential direction, ink is received more easily in the channel in respect of anilox rolls having cells according to prior art arrangements, while the channel part, preferably having a reduction in width of at most 40% at a connection between channel parts, allows escaping of air trapped in the channel that is receiving the fluid. This reduces the amount of foaming of the ink during the printing process.

[0061] In an advantageous embodiment a structure of restrictions formed by walls is provided having a pattern of wall parts and wall parts positioned perpendicular to the first wall part, wherein said wall parts are at least twice the size of the channel width of the channel formed between the wall parts. This is a particularly simple embodiment of an open structure having a limited free path. In an advantages embodiment the free path is at most four times the channel width.

[0062] The invention further relates to a printing apparatus. The printing apparatus comprises a printing device having a supply for a substrate to be printing and a supply for ink, wherein the printing device comprises an anilox roll mounted in a bearing, said anilox roll comprising at least one of the features mentioned above.

[0063] The invention also relates to a method for forming an anilox roll. The method comprises supplying a cylinder for an anilox roll that has an outer surface to be tooled. The method preferably comprises providing at least a laser source and laser engraving the outer surface of the anilox roll. It will be clear that a person skilled in the art will be able to use future techniques that work in a similar way as a laser, for carrying out the method according to the invention.

[0064] The method according to the invention comprises laser engraving the outer surface of the anilox roll with a laserspot that is formed with the laser source. The laser and its laser spot are able to focus the intensity of the beam to a small position on the anilox roll. This allows tooling the anilox roll. The anilox roll may be used in the printing industry.

[0065] The method according to an embodiment of the invention comprises applying an optical guide in the light path of the laser for enabling the laserspot to execute a reciprocal movement on the outer surface to be tooled. The reciprocal movement leads to a repetitive movement in the position of the laser spot. The reciprocal movement preferably causes a shift of the laser spot on the anilox roll in a direction that is mainly parallel to a longitudinal axis of the anilox roll. This creates the ability to execute repetitive movement of the laser spot on the surface to be tooled, in a surprisingly simple fashion.

[0066] In an embodiment, the laser spot will mainly move with a constant speed over the surface of the roll. A generally even evaporation of surface material of on the surface of the anilox roll is obtained. This allows forming a generally uniform channel. The depth of the channel will be at generally a similar level throughout the formed channel. Further the channel will have a generally U-shaped cross-section.

[0067] In an embodiment the optical guide is a crystal. The reciprocal movement is caused by supplying an varying current to the crystal. With this, a deflection in the trajectory of the laser beam may be caused, resulting in movement of the laser spot. The varying current may be a sine like current, such as a well known alternating current (AC). With this, a sine like reciprocal movement is generated.

[0068] Preferably, the method comprises a shift in the reciprocal movement of the laser spot that is at least larger than the width of the laserspot in the likewise direction. This way, it is possible to laser engrave an outer surface having a width of two or more times the width of the laser spot. The surface may be engraved in a single operation of the method for forming an anilox roll. The result is that laser engraving is be performed more quickly.

[0069] It is furthermore advantageous to laser engrave the anilox roll, whilst rotating the anilox roll around a longitudinal axis of the anilox roll. In addition, the laser may be moved in a direction mainly parallel to the longitudinal axis of the anilox roll. By this, the complete surface of the anilox roll may be tooled. This technique is known from the state of the art. By applying the reciprocally moving guide, prior art methods may be accelerated.

[0070] It is exceptionally advantageous to apply the method using a continuous laser. This enables the possibility to move the continuously while reciprocally moving the laser spot over the surface. In combination with the rotating anilox roll, which may rotate around its longitudinal axis, a wobbling track may be burned. This track

is comparable to a track on a CD or DVD. The method of forming an outer surface that comprises such a wobbling groove, surrounded by walls that are left unburned, may advantageously be applied in the printing industry. Laser engraving is used here to form a channel that extends in a rotational direction of the anilox roll.

[0071] A further goal of the invention is obtained by an apparatus for forming an anilox roll for use in a printing process, comprising a supporting unit for supporting the cylinder shaped anilox roll and for rotating the anilox roll around a longitudinal axis. According to an aspect of the invention, the apparatus comprises an engraving unit that is arranged for parallel movement with respect to a cylinder-axis of the anilox roll for engraving a structure on the outer surface of the anilox roll, especially in combination with a rotating anilox roll. The apparatus also comprises a driving unit for driving engraving settings of the engraving unit. The engraving settings are the driving parameters for the engraving, with which the engraving can be influenced. The person skilled in the art will understand how to set the engraving.

[0072] Advantageously, the engraving unit comprises at least a laser for laser engraving the outer surface of the anilox roll with a laser spot. At least one goal is obtained when the engraving unit further comprises an optical guide for adjusting the light path of the laser, and more specifically for moving the laser spot in a repetitive or reciprocal way. With this, an additional shift of the laser spot is possible. The position to be tooled may also be chosen this way. By using an optical guide, it is possible to realize an additional shift of the spot, allowing quick and small shifts. More specifically, these shifts may be repetitive.

[0073] In a further advantageous embodiment, the optical guide is a deflector. A deflector, such as a crystal may be used, with which the trajectory of the laser, and thus the position of the laser spot may be adjusted, more specifically shifted. The deflector may be controlled in a fast and accurate manner. The person skilled in the art will be familiar with the different deflectors for creating a repetitive transition of the laser spot. In an advantageous embodiment, the crystal may be connectable to a power supply, more specifically a drivable or controllable supply, wherein the voltage supplied is in proportion with a certain deflection and more specifically a shift of the laser spot.

[0074] In an embodiment, the crystal may be arranged for deflecting the entering laser beam in a voltage depending way.

[0075] In another advantageous embodiment, the engraving unit comprises an optical guide that is positioned in the light trajectory of the laser, wherein the guide is movably connected to the engraving unit. This enables the movement of the laser spot on the surface of the anilox roll, additional to the movement of the engraving unit as a whole. The extra movement is superimposed.

[0076] It is especially advantageous to connect the optical guide to the engraving unit by means of a movement unit, wherein the movement unit is arranged for enabling the laserspot to execute a reciprocal movement. This way, a reciprocal and repetitive movement of the laser spot may be used for forming a regular structure on the anilox roll. This regular structure may be obtained by engraving a rotating anilox roll, and additionally move the laser in a longitudinal direction along the roll. The structure thus formed, is different from the lined structure formed in a usual manner.

[0077] The reciprocal movement preferably causes a movement of the laser spot in a direction mainly parallel to the cylinder axis. With this, a larger surface may be tooled in a single labour-step. Preferably, the shift is at least larger than a width of the laser spot in the likewise direction. This allows tooling an area having a width of at least twice the spot size. Also, with this a wave like motion may be obtained when the reciprocal movement is combined with a rotation of the aniloxrol around its longitudinal axis.

[0078] According to the invention, the laser may be a continuous laser. Especially in combination with a rotating anilox roll and a reciprocally moving guide, a track or channel is formed on the anilox roll. The track has a wobble. The driving unit is preferably connected to the supporting unit and to the movement unit. The driving unit may be arranged for rotating the anilox roll during the laser engraving with a reciprocal moving laser spot. This enables the manufacturing of a novel anilox roll, having advantageous properties for transferring ink. The ink may be easily absorbed temporarily in the wobbling channels.

[0079] It is advantageous to provide the engraving with an objective lens. The lens is able to focus the laser. The lens may be the optical guide that performs a reciprocal movement.

[0080] It is possible to provide the engraving unit with two lasers or more lasers and/or with one or more beamsplitters. This way multiple channels may be provided in the anilox roll simultaneously.

[0081] In an preferred embodiment, the reciprocal movement leads to a shift of the laser spot of at least 20 μm. This small shift may be sufficient for creating a wobble in the channel on the tooled surface of the anilox roll.

[0082] Although the invention is described and will be described with respect to preferred embodiments, it will be clear that within the scope of the invention, multiple and different embodiments are possible. It is a goal of this application to protect the embodiments described, the embodiments indicated by the claims, as well as equivalents thereof. The person skilled in the art will -now that the advantages of the invention are experimentally known- be able to construct different embodiments. It is an intention of the inventor to also protect these embodiments with this application.

[0083] More specifically, the skilled person is able to form restrictions on the surface of an anilox roll in accordance with the disclosure in this application that allows obtaining one or more of the advantages. Functional protection should therefore be allowed.

[0084] In the above, as well as in the following description, aspects of the invention are described and advantages of the measures are described. The inventor intends to protect all the mentioned and unmentioned advantages that the invention has with respect to the state of the art, using this application and/or divisional applications.

[0085] The invention will be described by reference to the following description taken in conjunction with the accompanying drawings in which:

Figure 1 is a schematic side view of a printing apparatus for a flexographic process;
Figures 2a and b are detailed views of a surface of an engraved anilox roll according to the state of the art.
Figure 3a-h are detailed views of embodiments of an outer surface of an anilox roll according to the present invention.
Figure 4 is a detail of a part of the canal section of an anilox roll according to the embodiment of Figure 3b, and
Figure 5 is a schematic view of an embodiment of a engraving device according to the invention.

[0086] Figure 1 shows a schematic side view of a part of a printing apparatus 1 used for example in a flexo process. The printing apparatus 1 may be part of a series of printing apparatuses for printing with different inks or printing with various techniques. The person skilled in the art will be familiar with the different embodiments of a printing apparatus 1. The printing apparatus 1 is suitable and arranged for applying ink to a substrate in a desired pattern.

[0087] In the embodiment shown the printing apparatus 1 comprises a fountain roll 2 which is partly emerged in an ink fountain 4 comprising a certain amount of ink 3. The fountain roll is rotatable, and the outer surface of the fountain roll may be a rubber coating.

[0088] Next to the fountain roll 2 a rotatable metering roll or anilox roll 5 is positioned, wherein the longitudinal axis of the anilox roll 5 is positioned parallel to the longitudinal axis of the fountain roll. This allows forming a contact point or contact line 6. The rolls 2 and 5 are in contact, or almost in contact with each other. Adjacent a circumferential side of the metering roll, a blade 7 is positioned over at least a part of the length of the metering roll. In line with the longitudinal axis of the metering roll 5, a rotatable printing cylinder 9 is positioned. The printing cylinder comprises elevations and recesses, the elevations forming a negative of the image to be printed.

[0089] The elevations and recesses determine the operational mode for the anilox roll 5. When the image contains details, ink in the form of relatively small drop sizes should be transferred from the anilox roll onto the substrate, whilst for printing heavy layers of ink relatively large drop sizes are to be transferred:

[0090] The substrate 13 or the product to be printed may be positioned next to a circumferential side of the printing cylinder. The substrate is movable in a lengthwise direction. A rotatable impressing roll 11 is positioned next to a side of the printing roll 9, wherein the printing roll 9 and the impressing roll 11 are positioned on both sides of the substrate.

[0091] In the figure an example of a substrate 13 is shown. It will be obvious that different sorts of substrates 13 may be printed. The person skilled in the art will be able to adapt the printing apparatus to the substrate to be printed.

[0092] An operational method of the apparatus shown will be described next. When the apparatus is operated, the fountain roll 2 will be driven, resulting in a rotation of the fountain roll 2 such that the outer surface of the roll will move through the ink 3 of the ink fountain 4. The outer surface of the fountain roll can comprise a rubber layer, the ink will be absorbed and will be transported in the direction of the anilox roll 5, which is rotating in an opposite direction compared to the fountain roll. Near the contact point 6, the ink will be transferred from the fountain roll 2 to the anilox roll 5. The surface of the anilox is provided with a structure for absorbing ink. The structure is described in more detail in Figure 2.

[0093] The anilox roll 5 will absorb a certain amount of ink of the fountain roll 2. The blade 7 ensures that an excess of ink is scraped off, such that the anilox roll 5 absorbs and retains with a suitable amount of ink. Next, the ink will be transferred onto the printing roll 9. A fine layer of ink is transferred onto the elevations of the printing roll 9. Compared to the anilox roll 5, the printing roll 9 is rotating in opposite direction. The printing roll 5 will continue to rotate and will apply the image to the substrate 13. The impression roll 11 supports the substrate during the printing process.

[0094] Other configurations are also possible. The apparatus may be provided with a closed ink fountain 4 comprising an ink supply and an ink drain. It is also possible that multiple blades 7 are provided. The description of the configuration is only meant to be an example. It may be obvious that multiple configurations of the anilox roll 5 are possible, without diverting from the invention.

[0095] Figure 2a shows a detailed view of a surface of an anilox roll 5. The surface structure shown is known from prior art. The anilox roll 5 is provided with a structure 14, which may be formed of a plurality of regularly positioned cells 15. The cells 15 are formed by recesses in the anilox roll 5. The cells 15 are separated from each other by means of side walls 17 having a width w1. According to the state of the art the width w1 may be 10-80 μm. The side walls ensure that the ink cannot move from one cell to another. If ink is provided onto the surface of the anilox roll having the surface structure 14, side walls 17 will extend above the ink level. Ink will be inserted in cells 15. Excess ink will be removed by blade 7.

[0096] The cells have a global size h in the order of 10-80 μm. Each cell has a depth (not shown). Each cell has a certain volume. The ink volume corresponds with

the ink droplet to be transferred onto the printing roll and the substrate.

[0097] In the embodiment shown the cells are hexagonally shaped, and the cells are positioned in a honeycomb like structure. The distance c between the centre point of two neighbouring cells, wherein the distance is measured perpendicular to the rotating direction of the roll, determines the line screen of the anilox roll. Known line screens for prior art cell-like surface structures are 100, 120, 140, 180 lines per cm.

[0098] Figure 2b shows another embodiment of an outer surface of an anilox roll according to the state of the art. In this embodiment channels 18 are applied along an outer surface of the metering roll. The channels have a width h (15-80 μm) and are separated from each other by means of a wall 19 having a thickness t. The longitudinal direction of the channels is positioned with an angle a with respect to the direction of rotation R of the metering roll. Such an embodiment is suitable for applying ink to the substrate in a smooth fashion. It is clear that the channels are straight lines and thus that there is no restriction in the spreading of ink in the channel.

[0099] Anilox rolls presently known do not individually meet the criteria that are currently set in the printing industry. Therefore it is necessary in many applications that different anilox rolls are used, which is something that slows down the printing process and which makes the printing process labour intensive time consuming and expensive.

[0100] Figure 3a shows a first embodiment of an anilox roll. Figure 3a shows a view of the rolling surface 100 of an anilox roll wherein a fluid distribution structure is applied. The fluid distribution structure is shown more specifically by means of wall parts of channels that are formed in the structure. The wall parts are repeatedly indicated with lines. The "void" parts in Figure 3a are recesses in the rolling surface, which may for example be formed by means of laser and graving and/or laser evaporation.

[0101] The part of the rolling surface 100 that is shown in Figure 3a is provided with a pattern, which is formed by two wall parts 21, 22 that are positioned with an angle with respect to each other. The wall parts form dams or restrictions and have a thickness t. The wall parts 21, 22 are surrounded by a channel 20 which spreads over the outer surface of the anilox roll. The channel is arranged for absorbing mass, more specifically ink. The ink may be taken up in the formed channel 20 and may spread over the outer surface, wherein the restrictions ensure that the ability to flow is limited.

[0102] In an embodiment the first restrictions 22 are placed with an angle of about 90 degrees with respect to the second restrictions 21. The first restrictions 21 are furthermore positioned with an angle γ with respect to the direction of rotation R of the anilox roll. Preferably γ is equal to 0 degrees. The second restrictions are positioned longitudinally from the first restriction, and the restrictions are positioned with an angle of 90 degrees with respect to each other. Other angles are of course imaginable. In this fashion a regular pattern is obtained. In an embodiment the pattern may form a herringbone pattern.

[0103] Preferably the pattern of the anilox roll is formed in such a manner that an ink volume only has a limited free path or pathway distance, measured from an arbitrary point in the absorption surface 20. The pathway distance is defined as a distance that an ink part may move in a random radial direction starting from a random point in a channel until a wall is reached. Preferably the free path is smaller than 150 μm, and in the embodiment shown smaller than 100 μm. Preferably the free path is less than 50 μm. The free path ensures that the ink can freely flow along a certain, but restricted length. Due to the fact that the free path is limited, a resistance force is applied to the ink such that the ink cannot flow freely over a too large part of the roll. Due to the fact that the restrictions are positioned at a relatively short distance from each other, a large distribution of ink is impossible. Surprisingly, in this fashion an anilox roll is obtained that on the one hand has an open structure, but wherein on the other hand cells, in this case open cells can be recognized. Printing tests with such an anilox roll have shown that such a structure allow printing of heavy layers with sufficient color intensity as well as printing of small detailed structures. According to the state of the art, this result was only obtainable by printing in two steps, more specifically by first using an anilox roll with a small line screen, and then using an anilox roll with a large line screen, or vice versa.

[0104] In an embodiment the restrictions have a width t which is smaller than 8 μm. Preferably the restrictions have a width that is smaller than 5 μm. Even more preferably the restrictions have a width t that is between 2 and 3 μm. In this fashion the walls only form a very small part of the total surface of the circumference of the anilox roll. It will be clear for the person skilled in the art that the wall parts according to the present invention function primarily as restrictions against free distribution of ink, when the ink is present between the walls.

[0105] The location of the restrictions allows forming open connections in the structure on the outer surface of the anilox rolls. The ink may distribute well over the anilox roll, especially when the ink is taken up in the channel. The restrictions are placed in a way to ensure that the ink cannot freely flow, especially when the ink is being released. The wall parts form restrictions on the anilox roll and ensure that the ink is kept in place on the anilox roll. The presence of the large absorption surface 20 ensures that the anilox roll according to the present invention is able to take up a large volume of ink. In addition, the restrictions enable that the ink may be taken up well from the fountain roll. The positioning of the restrictions is such that ink received in the fluid distribution structure can freely, but limited, distribute over the anilox roll, such that generally a small film layer of ink is provided on the anilox roll.

[0106] Additionally, unlimited distribution of ink is pre-

vented by the restrictions, since the restrictions form natural barriers against ink flow. Additionally, the structure of the anilox roll ensures that transfer of ink onto the printing roll is possible in multiple operational modes. Negative parts of the printing roll are provided with a dosed amount of ink, wherein also the detailed parts of the negative are provided with the suitable amount of ink.

[0107] It is therefore possible with an anilox roll according to the present invention to obtain a good color intensity and heavy layers, as well as fine structures in line art. Therefore it is not necessary anymore in specific cases wherein both full colour intensity as well as details are important, to switch the anilox roll. Only one anilox is needed for printing both heavy layers and fine details.

[0108] Another advantage of the anilox roll according tot the present invention, is that it needs to be cleaned less often. Anilox rolls according to the state of the art have large amounts of walls 17, 19. In addition, the walls 17, 19 take up a large amount of space with respect to the total available inking surface. According to the present invention the wall parts take up less than than 10%, in an embodiment less than 5% or 3%, preferably less than 2%, of the total surface of the anilox roll.

[0109] To transfer a suitable amount of ink, the cells 15 and channels 18 according to the state of the art have a relatively large depth. Often, the depth of the cell or the channel is larger than the width thereof. This results in the fact that it is hard for the ink to get out of the cell or the channel, and eventually ink residues will accumulate and block the cell or channel. The anilox rolls then need to be cleaned. This is a hard and tedious job, which is also due to the fact that the cells and channels have a relatively large depth. In addition the anilox rolls may be damaged easily during cleaning.

[0110] In the anilox rolls according to the present invention this problem is less relevant. Due to the fact that a larger absorption surface 20 for ink is present, a smaller depth will be needed to transfer the right amount of ink. In addition the restrictions are positioned at a relatively large distance with respect to each other. This ensures that transfer of the ink is relatively easy, such that accumulation of ink in the anilox roll according to the present invention is less likely to happen. An additional advantage of the relatively large distance between the restrictions, and the relatively smaller depth of the anilox roll, is that the surface structure can be reached more easily for cleaning thereof.

[0111] In an embodiment of the present invention, as shown in Figure 3b, meandering channels 24 are provided, having uniform walls 25. It is relatively easy to form this embodiment. The meandering channels may have the form of a wave, more specifically a sine wave, see Figure 4, wherein in succession a turn in the one direction is alternated by a turn in the other direction. With reference to Figure 4, the walls have a top 32 and a bottom 31, wherein the walls have an amplitude a and wherein the walls oscillate around a base line 30.

[0112] Preferably the base line 30 of the sinusoid, is positioned parallel to the direction of rotation R of the anilox roll. The course of the meandering channel 24 follows a sinusoid.

[0113] Due to the fact that in a preferred embodiment the amplitude of the wave is larger than the width of the channel, a channel is obtained with limited possibilities for spreading or distributing of the fluid received in the structure. In this application, the term free path is used. Free path refers to a radial expansion from any arbitrary point in the formed channel. In the sinusoid channel shown, the free path is limited to a maximum of one wave length. By limiting the free or radial distribution, it is possible for the ink to be absorbed in the channels on the outer side of the anilox roll. The limited distribution results in a decreased tension in the ink that is absorbed on and supplied from the anilox roll when in use. The volume of the channel parts on the outer surface of the anilox roll is relatively large compared to state of the art volumes that are obtained using grid patterns of closed cells having a large line screen. With the anilox roll according to the present invention it is therefore possible to approach and/or improve the properties of the large line screen anilox rolls.

[0114] However, the pattern of the anilox roll according to the present invention also has a limitation of the direct spreading. With this, it is possible to also apply the details on the substrate during the printing. According to the state of the art, this was only possible using anilox rolls having a relatively small line screen. The anilox roll according to the present invention combines these two properties (heavy layer and small detail printing) and thus leads to a reduction in the amount of printing steps needed in the printing process.

[0115] The limitation in the spreading is obtained due to the fact that wall parts 25 always create somewhat limited channel parts that are on the other hand connected with each other via (indirect) connections. The channel parts according to the invention are limited due to the fact that distribution in a straight line in between the wall parts 25 is smaller than the indirect or curved distribution.

[0116] In the example of Figure 3b the wave length is comparable to the grid size of the pattern. The grid size and the channel width are comparable. Preferably the wave length is smaller than four times the grid size, preferably smaller than two times the grid size. Due to the fact that the grid size and the wave length are comparable, in fact each time a cell like pattern is obtained that is comparable to a honeycomb pattern according to the state of the art. According to the invention, however, these cells are connected in a limited way with each other and separate connections are formed by removing closing wall parts.

[0117] The fluid can be distributed over a large part of the surface of the anilox roll if the followed path meanders over the surface.

[0118] The wave length may be 80 μm for example, whilst the grid size is equal to approximately 30 μm. The anilox roll according to the present invention, having

these dimensions, combines the properties of anilox rolls having a large and small line screen, i.e. heavy layers of ink (first operational mode) and detail printing (second operational mode) possibilities.

[0119] Figure 3b shows an embodiment, wherein two walls that are situated next to each other are positioned at a distance from each other. Walls 26, 27 that are positioned next to each other have a distance d that is equal to two times the amplitude a of the sinusoid. Dips 26 of one wall go inside with tops 27 of the neighbouring wall. This embodiment ensures that the ink parts obtain a maximum free path. The structure/the pattern prevents that the mass to be taken up between the wall parts can easily spread, and more specifically that during the supply of ink by the anilox roll a large mass of ink can gather for supply. Curved connections between channel parts are possible. With this, the aforementioned gathering becomes possible, but only in a certain small amount. With this, relatively large volumes of mass may be transferred. Additionally it is possible, such as shown in Figure 3c, to position the channels and the walls with angle β with respect to the direction of rotation (or circumferential direction) R. Especially for printing heavy layers of ink this is a beneficial embodiment.

[0120] Figure 3d shows another embodiment, wherein different restrictions 51, 52, 53, 55 are placed in such a fashion, that a regular pattern is formed. The line shaped restrictions 51, 52, 55 are positioned in a triangular fashion, wherein the corner parts of the triangle are formed by cross shaped restrictions 53. In between the cross shaped restrictions 53 and the ends of the line shaped restrictions 51, 52, 55 recesses are present. An ink particle can freely flow between different triangular channel parts 54. The free flow in a linear of straight line is limited. The walls form dams to restrict the spreading of mass in the channel parts. In addition, the walls form dams against the accumulation or concentration of ink, for example when the ink has being supplied.

[0121] The restriction in the shape of the cross shaped wall part 53 preferably has a size that blocks the flow of fluid along wall part 51, but allows diversion thereof By increasing wall part 53 a larger barrier is formed. The distance between an end of wall part 51 or 52 and the cross shaped wall part does not change by this, however. The size of the connection part therefore stays the same.

[0122] The size of the connection part 49 is preferably equal to at least 10% of the length of wall part 52. By this the cell shaped channel parts 47, 48 that are positioned in opposite sides of wall part 52 have an open connection with each other. In addition two connections are formed between those cell shaped parts. In the first operational modus it is relatively easy to obtain a relatively large drop size of ink due to the fact that both cell shaped channel parts 47, 48 supply the ink.

[0123] The capacity of cell shaped channel parts 47, 48 is approximately equal to the relatively small drop size that is desired for printing details and corresponds to the drop size that is desired for printing details in the state of the art, such as for example 180 lines per centimeter anilox rolls.

[0124] This pattern ensures that the ink may be absorbed well in the anilox roll, and that the ink may be supplied well to the printing roll. Additionally this embodiment ensures that the ink has sufficient freedom to flow, and nevertheless that a film layer is present on the anilox roll.

[0125] Likewise, Figure 3b is an example of a meandering channel since flow of fluid along a large part of the surface of the anilox roll is possible, because the cell shaped channel parts are connected with each other. By flowing along wall parts 51, 52 fluid is able to reach other cell shaped channel parts. Exactly this property ensures that the anilox roll is able to combine the printing properties of both the first and second modes of operation.

[0126] The embodiments of Figures 3a to 3d have a fluid distribution structure that is formed on the surface of the anilox roll, wherein the formed channels mainly have a similar depth. With this the volume size of fluid in the channels will not be disturbed locally and thus the fluid will remain more easily distributed over the outer surface than in the state of the art.

[0127] Fig. 3e shows a further embodiment according to an aspect of the invention. The embodiment shown comprises a channel 301, which has wall parts 302, 302'. The channel 301 has a width w2. The wall parts are positioned next to each other in a relative parallel oscillating fashion. In this way a sinusoid like oscillating channel is obtained. The wall parts are placed at such a distance from each other, that the top 351 and dip 352 that are closest to the centre of the channel 301, are spaced with an interval t. The interval suggests that straight lined distribution of the fluid is possible. It has turned out however that when the interval t is relatively small, this straight lined distribution is prevented. The wall parts form restrictions that determine a coarse of the formed channel. The formed channel meanders over the surface of the anilox roll.

[0128] The profile of the flow in the channel will mainly be the same in the different channel parts, which means that the profile of the flow will be the same in those parts of the channel that run in different directions. However, the direction of the profile of flow, and hence the flow, will be different in neighboring channel parts. The flow has no possibilities to develop in a straight line, in the direction of rotation R. The walls guide the flow in such a fashion that the flow can only meander over the channel.

[0129] Preferably the interval t is small compared to the width w2 of the channel. Preferably the interval t is smaller than 10% of the width w2 of the channel, and even more preferably smaller than 5% of the width of the channel.

[0130] Figure 3f shows an embodiment of a channel 401. The channel comprises sawtooth shaped walls 403, 403'. In the channel 401 different channel parts 405, 407, 409 are visible, each having their respective course 406,

408, 410. A course 408 of the channel part 407 is positioned at an angle with respect to the course 406 of a neighbouring channel part 405. In the embodiment shown the angle is approximately equal to 90 degrees, but it is also possible to use other angles. By positioning the channel parts at an angle with respect to each other, the straight lined distribution of fluid in the channel is prevented. On the other hand, meandering flow in the channel 401 is possible. The walls 403, 403' are placed in such a fashion that these walls guide the flow in a meandering fashion. Straight line distribution of the fluid is prevented by the walls.

[0131] Figure 3g shows a cross section of a channel 501 according to an embodiment of the invention. The bottom 503 of the channel is mainly flat. The walls 502, 502' are mainly positioned perpendicular to the bottom 503. In this way a relatively large amount of fluid can be absorbed in the channel. Preferably the width of the channel is large with respect to the height of the channel. In this way a large volume of fluid can be absorbed in the channel, and in this way it is also possible to supply the amount of fluid relatively easy. There is only a relatively small amount of fluid that will remain in the channel during the printing of the substrate.

[0132] Additionally, it is possible that the embodiment shown in Figure 3g concerns a cell shaped channel and a channel according to an aspect of the invention. The bottom of the cell and the bottom of the channel are mainly positioned on the same level. This improves the flow of fluid between cells via the channels. In this way the channels prevent congestion or upward pressure in the fluid. Upward pressure in the fluid can be the result of the bottom of the (connecting) channel being positioned higher than the bottom of the cell.

[0133] Fig. 3h shows a channel 600 having channel parts 601-605. The channel 600 is part of the fluid distribution structure for receiving, distributing over the anilox roll, as well as transferring the fluid onto a subsequent printing roll. The channel 600 is arranged for distribution and guiding the fluid over the fluid distribution structure. The meandering channel 600 which is shown here forms a heavy layer printing unit in the fluid distribution structure. The channel 600 comprises a detail printing unit that is formed in the meandering channel 600 by means of channel parts 601-605. The channel parts 601-605 each have a droplet volume that is suitable for detailed printing. Neighbouring channel parts are positioned at an angle with respect to each other for preventing straight lined distribution of the fluid in a course of the channel, as well as permitting meandering distribution of the fluid in the channel 600.

[0134] Figure 4 shows in detail a restriction 33 according to an embodiment of the invention. In the embodiment shown in Figure 3b the amplitude of the wave is larger than the width between two walls. The wall itself has a size of approximately 1-4 micrometers. The channel according to Figure 3b has a width in between 10 and 150 micrometers, more preferably between 20 and 100 micrometers, and even more preferably between 30 and 80 micrometers. The wave can have an amplitude of at least approximately 50 micrometers. According to the invention an open structure is used for considerably reducing the size of the wall parts in comparison with the state of the art. This leads to a further increase of the surface that is available for receiving ink and for transferring ink by means of the outer surface of the anilox roll.

[0135] An open structure according to the invention can be characterised by larger surfaces of channel parts between wall parts that are formed on the outer surface of the anilox roll. The channel parts are connected with other large surfaces by means of connections that are provided in between the wall parts. Although a straight connection is preferably prevented, a limited, meandering connection is possible.

[0136] The pattern according to the invention and more specifically the pattern according to Figure 3b reduces the amount of foaming that occurs in the anilox roll. Related to this is the fact that the channel parts and more specifically the channels are able to take up a mass, and more specifically ink, more easily. The rotation of the anilox roll according to Figure 3b is mainly parallel to the base of the sinusoid, and therefore the air in the open channel parts can be driven out of that channel part because of the relatively open structure according tot he invention.

[0137] Of course the invention is not limited to sine-like wave form channels. The channel and/or the walls may also have a sawtooth shape or any other repetitive pattern.

[0138] In an embodiment of the invention, the oscillating wall parts may show a phase difference with respect to each other. In this way each time a staggered pattern of wall parts is obtained. With this it is also possible to obtain the advantage according to the present invention.

[0139] Figure 5 shows a schematic view of an apparatus for forming the structure in an anilox roll according to an embodiment of the invention. Here a laser is used 60. The laser is part of an engraving unit 61. The engraving unit is positioned along the longitudinal axis 62 of the anilox roll 63. The anilox roll 63 is only shown schematically. The figure is not drawn to scale. The engraving unit is positioned on a frame (not shown), and the frame enables movement of the engraving unit along the anilox roll 63 according to arrow 62. Suitable guiding means such as a guiding track may be applied.

[0140] The anilox roll 63 is positioned in a container that is supported on bearings and connected to the frame. In this way the anilox roll is able to rotate around the longitudinal axis 62 according to arrow 64. The combination of both rotation around the axis 62, as well as movement along the axis 62 enables tooling by engraving of the complete outer surface with the laser. The constructions for manufacturing, more specifically engraving the anilox roll according to the state of the art using these movements, enable tooling with accuracies of less than 1 micrometer. This amongst others enables that wall

parts according to the embodiments of the invention are formed having a size of less than 5 micrometers. The method allows forming channels on the surface of the anilox roll. Material in the channels is evaporated, whilst the wall parts remain.

[0141] The laser beam can be concentrated in a spot 69 on the outer surface 70 of the anilox roll 63 by means of known optical guides 65-68, which in this embodiment are formed by four corner mirrors. At the position where the spot is formed a certain amount of heat is concentrated such that a piece of material of the outer surface of the anilox roll will evaporate. This material may be a ceramic composition, such as a chromium oxide. A person skilled in the art will be familiar with the different compositions and/or compounds.

[0142] By focusing the spot it is possible to evaporate a part of the outer surface of the anilox roll. In a preferred embodiment of the invention a continuous laser 60 is used. Synchronizing the pulses of the laser with rotational and longitudinal movements is more continuous. More specifically, it is possible to form a continuous track of evaporated material on the aniloxrol 63 by using a continuous laser together with continuous movements of the roll and/or engraving unit, thereby forming a channel. It is possible to form a continuous track at a high speed. The speed is limited by the power of the laser only:

[0143] In a further embodiment of the invention, the beam 71 of the laser 60 is influenced by an optical guide in the trajectory between the laser 60 and the spot 69. The optical guide 72 may enforce a reciprocal movement 73 of the spot over the surface to be engraved. As a result, the spot will repeatedly execute an identical movement, preferably with a continuous speed. This movement, together with the rotation of the anilox roll, may lead to a continuously changing location of the spot. Preferably, the reciprocal movement results in a shift 73 of the spot in a direction that is parallel to the longitudinal axis of the anilox roll. Such a change in combination with a continuous laser may for example be used for forming a pattern of channels according to Fig. 3b.

[0144] Preferably, the reciprocal movement is a sine or wavelike movement. The movement may be governed mechanically or electronically. In a preferred embodiment shown in Fig. 5, a combination of a crystal 74 on the one hand, and a voltage supplied by a power supply 75 on the other hand, is used. The voltage is supplied to the crystal. The optical guide 72 en more specifically the crystal 74 will function as a generation device for the reciprocal movement of the laser spot. A voltage is supplied to the crystal 74 for causing a change in the trajectory of the beam, more specifically in an eventual shift of the spot. The voltage supplied is, for instance, repetitive, resulting in the movement of the spot also being repetitive. A control unit 76 is, for example, provided in the electrical connection between the crystal 72 and the supply 75. The control unit is capable of adjusting the voltage supplied. The control unit may be connected to an external controller for synchronizing the crystal voltage with the rotation 64 of the anilox roll 63 and movement 62 along the anilox roll 63 of the engraving unit as a whole.

[0145] The change in voltage may be synchronized with the rotation of the anilox roll. The change in voltage is for example characterized by parameters such as amplitude and frequency. These two parameters may be related to the amount of shift and the repetition of the reciprocal movement, respectively.

[0146] In the embodiment shown, a tellurium dioxide crystal 74 may be used, for example. The crystal functions as a deflector. By changing the voltage between 0 V and 10 V, transmission properties of the crystal change. The crystal mentioned functions amongst others at 1064 nm.

[0147] Other embodiments of generator devices and optical guides are also possible. It is also possible to make use of a moving mirror. In another embodiment, an interference effect may be used for generating the reciprocal movement of the spot.

[0148] Another technique that is known to make use of such a wobbling of a channel formed on an outer surface, is a technique for forming DVD's. The inventor is aware that a technique known in this technical field may be used for forming such a pattern on an outer surface.

[0149] Variations on the embodiments of the different profiles are imaginable, without diverting from the main notion of the invention. It may be clear that the invention is described by using preferred embodiments. The invention is not intended to be limited to these embodiments.

Claims

1. Anilox roll (5) for a printing apparatus for transferring a fluid, such as an ink, comprising a cylinder having a surface (100), wherein the surface comprises a fluid distribution structure for receiving the fluid, distributing the fluid over the cylinder, and transferring the fluid, wherein the fluid distribution structure is arranged to transfer in a first operational mode for printing heavy layers of ink a relatively large fluid droplet and in a second operational mode for printing details a relatively small fluid droplet by a combination of restrictions in the fluid distribution structure,
   characterised in, that
   the fluid distribution structure has a channel (24) formed in the surface for distributing the fluid over the fluid distribution structure, said channel (24) meandering over the surface, the channel having the form of a wave, more specifically a sine wave, and having a channel width between 10 and 150 μm, preferably between 20 and 100 μm, and even more preferably between 30 and 80 μm.

2. Anilox roll according to claim 1, wherein the meandering channel comprises channel parts that are connected to each other, the channel parts having a generally constant width.

3. Anilox roll according to claim 1 or 2, wherein the meandering channel (24) has a wavelength that is smaller than 4 times the channel width, preferably smaller than 2 times the channel width.

4. Anilox roll according to any of the preceding claims, wherein channel walls (25, 26, 27) of a meandering channel (24) are positioned generally anti-symmetrical with respect to a course direction of the channel.

5. Anilox roll according to claim 4, wherein the meandering channel (24) has an amplitude that is generally equal to, preferably larger than the width of the channel.

6. Anilox roll according to any of the preceding claims, wherein the fluid distribution structure for the second operational mode comprises channel parts (601-605) that are formed in the channel (24, 600) and are at least partly interconnected, said channel parts having a volume allowing formation of relatively small fluid droplets for printing details.

7. Anilox roll according to claim 6, wherein connected channel parts (601-605) having a course direction are positioned such that the courses are at an angle with respect to each other for preventing linear distribution of the fluid to be received in the channel parts, and allowing a meandering distribution of the fluid to be received in the channel (24, 600).

8. Anilox roll according to claim 7, wherein the angle is at least 30 degrees, preferably at least 45 degrees, and more preferably at least 90 degrees.

9. Anilox roll according to any of the claims 6-8, wherein the meandering channel (24, 600) has channel parts (601-605) arranged such that it is impossible to draw a straight connection line between different channel parts

10. Anilox roll according to any of the preceding claims, the channel (24, 600) having a free path smaller than 150 μm, preferably smaller than 100 μm, more preferably smaller than 50 μm, the free pathway being defined as a distance that an ink part may move in a random radial direction starting from a random point in a channel until a wall is reached.

11. Anilox roll according to any of the preceding claims, wherein the channel (24, 600) has a generally flat bottom having a generally equal channel depth, wherein the bottom has a substantially constant height level difference with respect to the surface of the anilox roll.

12. Anilox roll according to any of the preceding claims, wherein channel walls (25, 26, 27) are positioned from a location in the fluid distribution structure at a radial distance of at most 100 μm, preferably less than 80 μm.

13. Anilox roll according to any of the preceding claims, wherein a further channel is provided adjacent the channel (24), that further channel having a course generally parallel to the channel.

14. Anilox roll according to claim 12, wherein the walls (25, 26, 27) between the channel (24) and the further channel have a width smaller than 4 μm, preferably in the range of 1-3 μm.

15. Anilox roll according to any of the preceding claims, the restrictions having a width smaller than 8 μm, preferably smaller than 5 μm, more preferably between 2 and 3 μm.

16. Printing apparatus comprising a printing device having a supply for a substrate to be printed and a supply for ink, wherein the printing device comprises an anilox roll (2) according to any of the preceding claims mounted in a bearing.

17. Printing apparatus according to claim 16, wherein the printing apparatus is a flexographic apparatus.

Patentansprüche

1. Anilox-Walze (5) für eine Druckvorrichtung zum Übertragen eines Fluids, wie zum Beispiel einer Druckfarbe, umfassend einen Zylinder mit einer Oberfläche (100), wobei die Oberfläche eine Fluidverteilungsstruktur zum Aufnehmen des Fluids, Verteilen des Fluids über den Zylinder und Übertragen des Fluids aufweist, die Fluidverteilungsstruktur angeordnet ist, um mittels einer Kombination von Beschränkungen in der Fluidverteilungsstruktur in einem ersten Betriebsmodus zum Drukken von hohen Farbschichten einen relativ großen Fluidtropfen und in einem zweiten Betriebsmodus zum Drukken von Details einen relativ kleine Fluidtropfen zu übertragen,
dadurch gekennzeichnet, dass
die Fluidverteilungsstruktur einen zum Verteilen des Fluids über die Fluidverteilungsstruktur in der Oberfläche gebildeten Kanal (24) aufweist, wobei der Kanal (24) über die Oberfläche mäandriert, wobei der Kanal die Form einer Welle, insbesondere einer Sinuswelle, aufweist und eine Kanalbreite von zwischen 10 und 150 μm, bevorzugt zwischen 20 und 100 μm, und noch weiter bevorzugt zwischen 30 und 80 μm aufweist.

2. Anilox-Walze gemäß Anspruch 1, bei der der mäandrierende Kanal Kanalteile aufweist, die miteinander

verbunden sind, wobei die Kanalteile eine allgemein konstante Breite aufweisen.

3. Anilox-Walze gemäß Anspruch 1 oder 2, bei der der mäandrierende Kanal (24) eine Wellenlänge aufweist, die kleiner als das 4-fache der Kanalbreite, bevorzugt kleiner als das 2-fache der Kanalbreite ist.

4. Anilox-Walze gemäß einem der vorhergehenden Ansprüche, bei der die Kanalwände (25, 26, 27) eines mäandrierenden Kanals (24) allgemein antisymmetrisch in Bezug auf eine Verlaufsrichtung des Kanals positioniert sind.

5. Anilox-Walze gemäß Anspruch 4, bei der der mäandrierenden Kanal (24) eine Amplitude aufweist, die allgemein gleich der, bevorzugt größer als die Breite des Kanals ist.

6. Anilox-Walze gemäß einem der vorhergehenden Ansprüche, bei der die Fluidverteilungsstruktur für den zweiten Betriebsmodus in dem Kanal (24, 600) ausgebildete Kanalteile (601 - 605) aufweist, die zumindest teilweise miteinander verbunden sind, wobei die Kanalteile ein Volumen aufweisen, das das Bilden von relativ kleinen Fluidtropfen zum Drucken von Details ermöglicht.

7. Anilox-Walze gemäß Anspruch 6, bei der eine Verlaufsrichtung aufweisende, verbundene Kanalteile (601 - 605) derart positioniert sind, dass die Verläufe relativ zueinander abgewinkelt sind, um eine lineare Verteilung des in den Kanalteilen aufzunehmenden Fluids zu verhindern und eine mäandrierende Verteilung des in dem Kanal (24, 600) aufzunehmenden Fluids zu ermöglichen.

8. Anilox-Walze gemäß Anspruch 7, bei der der Winkel zumindest 30 Grad, bevorzugt zumindest 45 Grad und mehr bevorzugt zumindest 90 Grad ist.

9. Anilox-Walze gemäß einem der Ansprüche 6 bis 8, bei der der mäandrierende Kanal (24, 600) Kanalteile (601 - 605) aufweist, die derart angeordnet sind, dass es unmöglich ist, eine gerade Verbindungslinie zwischen verschiedenen Kanalteilen zu ziehen.

10. Anilox-Walze gemäß einem der vorhergehenden Ansprüche, bei der der Kanal (24, 600) eine freie Weglänge aufweist, die kleiner als 150 μm, bevorzugt kleiner als 100 μm, mehr bevorzugt kleiner als 50 μm ist, wobei die freie Weglänge als eine Strecke definiert ist, die sich ein Druckfarbenteil in einer zufälligen Radialrichtung, ausgehend von einem zufälligen Punkt in einem Kanal bewegen kann, bis eine Wand erreicht wird.

11. Anilox-Walze gemäß einem der vorhergehenden Ansprüche, bei der der Kanal (24, 600) einen im Allgemeinen flachen Boden mit einer im Allgemeinen gleichen Kanaltiefe aufweist, wobei der Boden in Bezug auf die Oberfläche der Anilox-Walze eine im Wesentlichen konstante Höhenniveaudifferenz hat.

12. Anilox-Walze gemäß einem der vorhergehenden Ansprüche, bei der Kanalwände (25, 26, 27) von einem Ort in der Fluidverteilungsstruktur aus in einem Umkreis mit einem Radius von höchstens 100 μm, bevorzugt weniger als 80 μm positioniert sind.

13. Anilox-Walze gemäß einem der vorhergehenden Ansprüche, bei der neben dem Kanal (24) ein weiterer Kanal vorgesehen ist, wobei der weitere Kanal einen allgemein zu dem Kanal parallelen Verlauf hat.

14. Anilox-Walze gemäß Anspruch 12, bei der die Wände (25, 26, 27) zwischen dem Kanal (24) und dem weiteren Kanal eine Breite von weniger als 4 μm, bevorzugt im Bereich von 1 - 3 μm haben.

15. Anilox-Walze gemäß einem der vorhergehenden Ansprüche, bei der die Beschränkungen eine Breite aufweisen, die kleiner als 8 μm, bevorzugt kleiner als 5 μm, mehr bevorzugt zwischen 2 und 3 μm ist.

16. Druckvorrichtung, umfassend einer Druckeinrichtung mit einer Zuführung für ein zu bedruckendes Substrat und einer Zuführung für Druckfarbe, wobei die Druckeinrichtung eine in einem Lager befestigte Anilox-Walze (2) nach einem der vorhergehenden Ansprüche aufweist.

17. Druckvorrichtung gemäß Anspruch 16, wobei die Druckvorrichtung eine Flexografievorrichtung ist.

Revendications

1. Rouleau anilox (5) pour un appareil d'impression pour transférer un fluide, comme une encre, comprenant un cylindre ayant une surface (100), dans lequel la surface comprend une structure de distribution de fluide pour recevoir le fluide, distribuer le fluide sur le cylindre, et transférer le fluide, dans lequel la structure de distribution de fluide est conçue pour un transfert, dans un premier mode de fonctionnement pour imprimer des couches épaisses d'encre, d'une gouttelette relativement grande de fluide et, dans un deuxième mode de fonctionnement pour imprimer des détails, d'une gouttelette relativement petite de fluide grâce à une combinaison de restrictions dans la structure de distribution de fluide, **caractérisé en ce que**
la structure de distribution de fluide a un canal (24) formé dans la surface pour distribuer le fluide sur la structure de distribution de fluide, ledit canal (24) for-

mant des méandres sur la surface, le canal ayant la forme d'une onde, plus spécifiquement d'une onde sinusoïdale, et ayant une largeur de canal comprise entre 10 et 150 μm, de préférence entre 20 et 100 μm, et mieux encore entre 30 et 80 μm.

2. Rouleau anilox selon la revendication 1, dans lequel le canal formant des méandres comprend des parties de canal qui sont connectées les unes aux autres, les parties de canal ayant une largeur généralement constante.

3. Rouleau anilox selon la revendication 1 ou 2, dans lequel le canal formant des méandres (24) a une longueur d'onde qui est inférieure à 4 fois la largeur de canal, de préférence inférieure à 2 fois la largeur de canal.

4. Rouleau anilox selon l'une quelconque des revendications précédentes, dans lequel des parois de canal (25, 26, 27) d'un canal formant des méandres (24) sont positionnées de manière généralement antisymétrique par rapport à une direction de trajet du canal.

5. Rouleau anilox selon la revendication 4, dans lequel le canal formant des méandres (24) a une amplitude qui est généralement égale à, de préférence supérieure à, la largeur du canal.

6. Rouleau anilox selon l'une quelconque des revendications précédentes, dans lequel la structure de distribution de fluide pour le deuxième mode de fonctionnement comprend des parties de canal (601-605) qui sont formées dans le canal (24, 600) et sont au moins en partie interconnectées, lesdites parties de canal ayant un volume permettant une formation de gouttelettes relativement petites de fluide pour l'impression de détails.

7. Rouleau anilox selon la revendication 6, dans lequel les parties de canal (601-605) connectées ayant une direction de trajet sont positionnées de telle sorte que les trajets forment un angle les uns par rapport aux autres afin d'empêcher une distribution linéaire du fluide devant être reçu dans les parties de canal, et permettant une distribution en méandres du fluide devant être reçu dans le canal (24, 600).

8. Rouleau anilox selon la revendication 7, dans lequel l'angle est au moins de 30 degrés, de préférence au moins de 45 degrés, et mieux encore au moins de 90 degrés.

9. Rouleau anilox selon l'une quelconque des revendications 6 à 8, dans lequel le canal formant des méandres (24, 600) a des parties de canal (601-605) disposées de sorte qu'il soit impossible de faire passer une ligne de connexion droite entre les différentes parties de canal.

10. Rouleau anilox selon l'une quelconque des revendications précédentes, dans lequel le canal (24, 600) a un chemin libre inférieur à 150 μm, de préférence inférieur à 100 μm, et mieux encore inférieur à 50 μm, le chemin libre étant défini comme une distance sur laquelle une partie d'encre peut se déplacer dans une direction radiale aléatoire en partant d'un point aléatoire dans un canal jusqu'à ce qu'une paroi soit atteinte.

11. Rouleau anilox selon l'une quelconque des revendications précédentes, dans lequel le canal (24, 600) a un fond généralement plat ayant une profondeur de canal généralement égale, dans lequel le fond a une différence de niveau de hauteur sensiblement constante par rapport à la surface du rouleau anilox.

12. Rouleau anilox selon l'une quelconque des revendications précédentes, dans lequel les parois de canal (25, 26, 27) sont positionnées depuis un emplacement dans la structure de distribution de fluide à une distance radiale d'au plus 100 μm, de préférence inférieure 80 μm

13. Rouleau anilox selon l'une quelconque des revendications précédentes, dans lequel un autre canal est placé dans une position adjacente au canal (24), cet autre canal ayant un trajet généralement parallèle au canal.

14. Rouleau anilox selon la revendication 12, dans lequel les parois (25, 26, 27) entre le canal (24) et l'autre canal ont une largeur inférieure à 4 μm, de préférence comprise entre 1 et 3 μm.

15. Rouleau anilox selon l'une quelconque des revendications précédentes, dans lequel les restrictions ont une largeur inférieure à 8 μm, de préférence inférieure à 5 μm, et mieux encore comprise entre 2 et 3 μm.

16. Appareil d'impression comprenant un dispositif d'impression ayant une alimentation en substrat devant être imprimé et une alimentation en encre, dans lequel le dispositif d'impression comprend un rouleau anilox (2) selon l'une quelconque des revendications précédentes monté dans un palier.

17. Appareil d'impression selon la revendication 16, dans lequel l'appareil d'impression est un appareil flexographique.

Fig 1

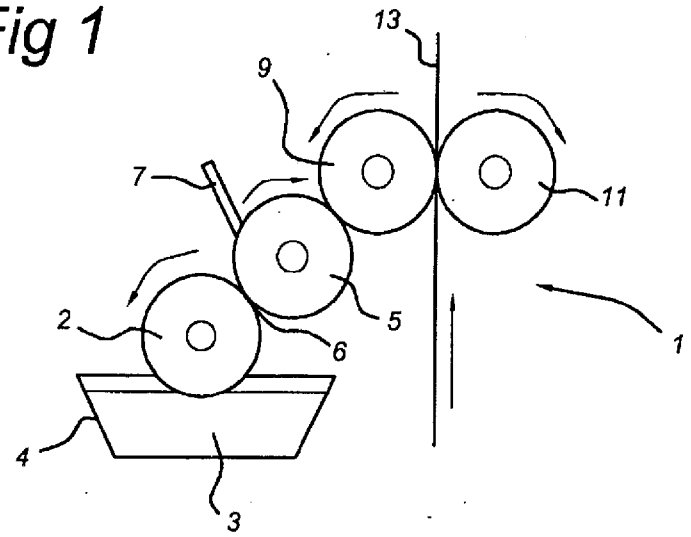


Fig 2a

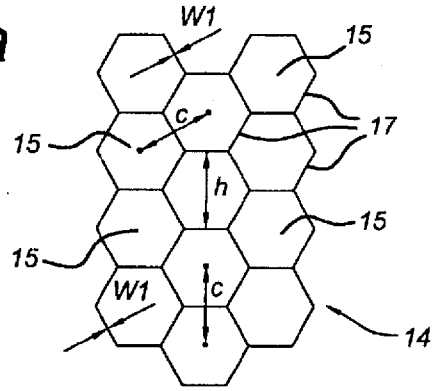


Fig 2b

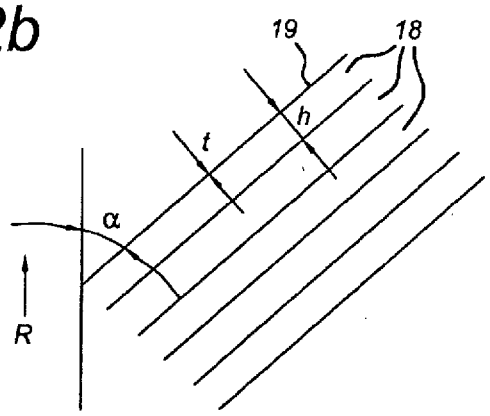


Fig 3a

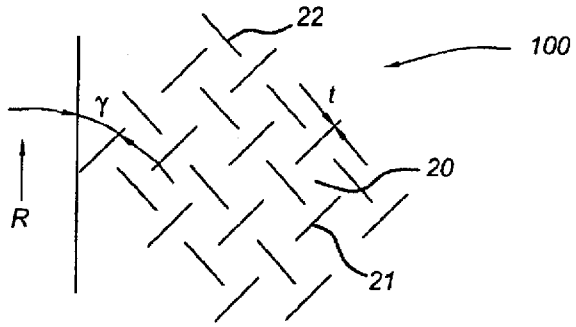


Fig 3b

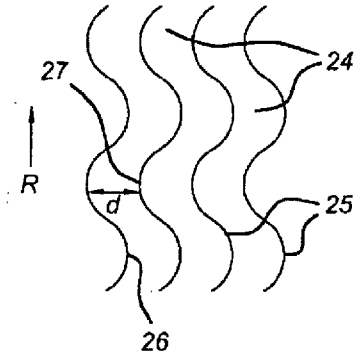


Fig 3c

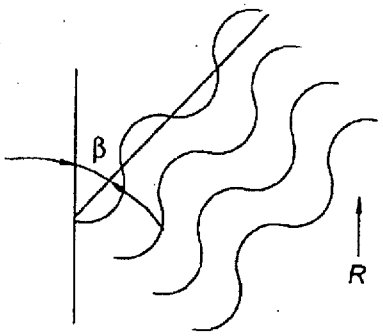


Fig 3d

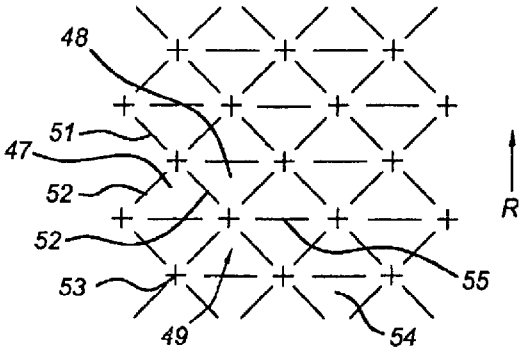


Fig 3e

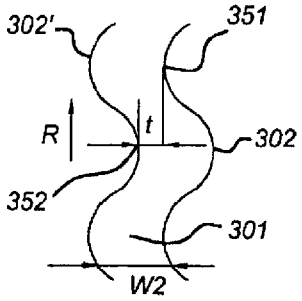


Fig 3f

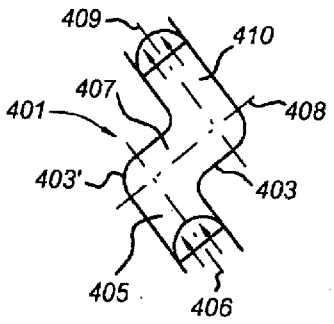


Fig 3g

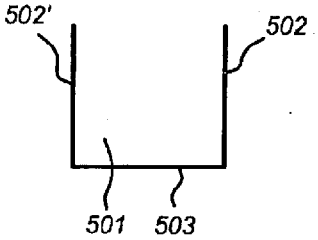


Fig 3h

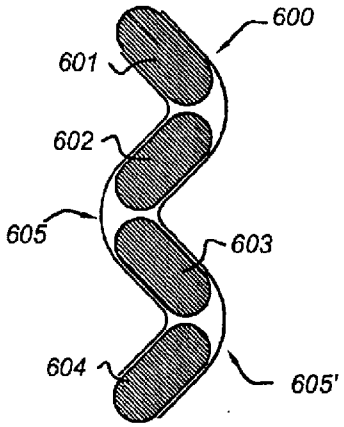
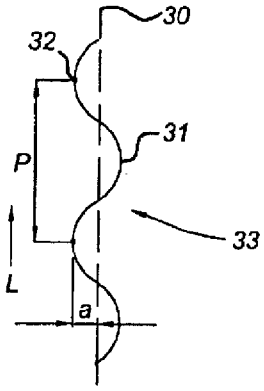


Fig 4



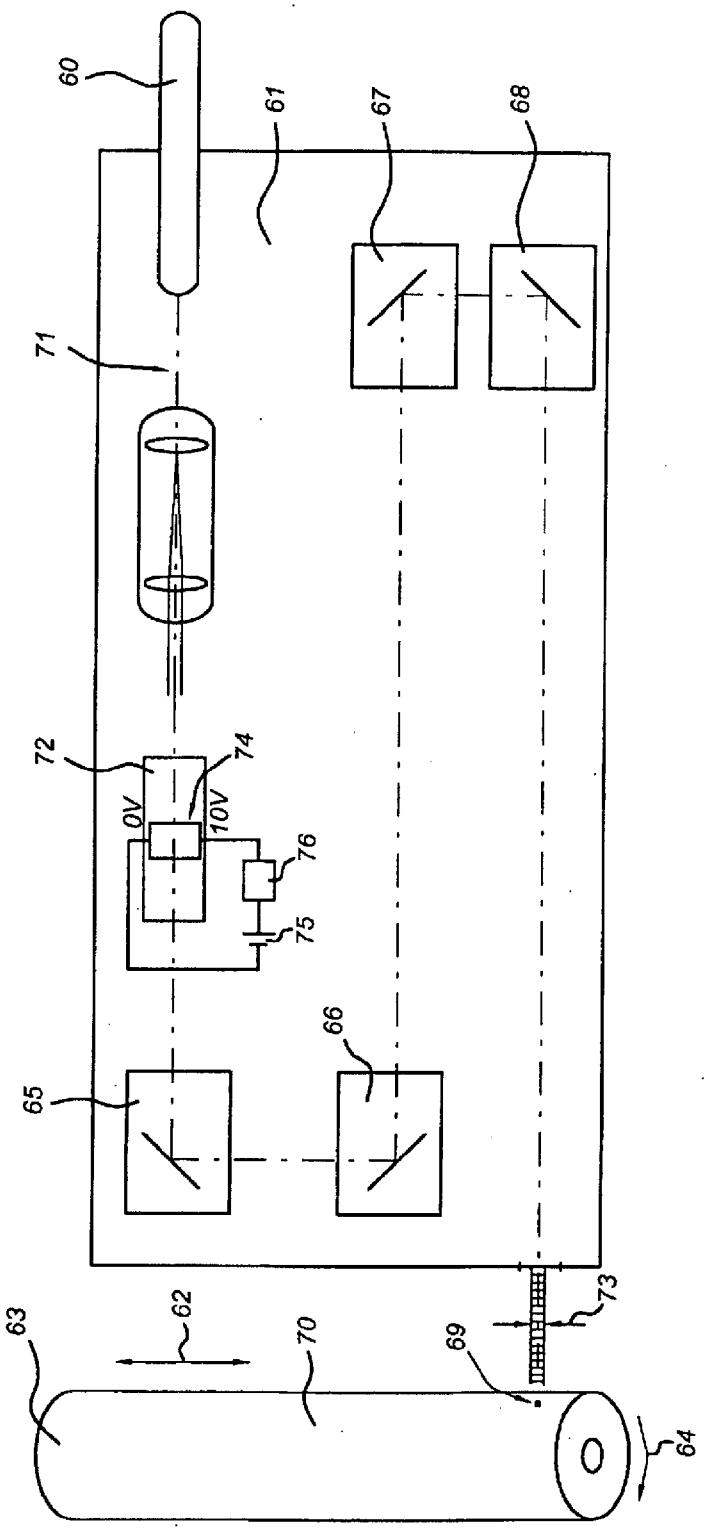


Fig 5

REFERENCES CITED IN THE DESCRIPTION

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- US 4819559 A **[0026]**
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Non-patent literature cited in the description

- **Joseph P. Trungale.** The Anilox Roll. 1997, 72 **[0025]**

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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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/NL2008/050841	22.12.2008	21.12.2007

International Patent Classification (IPC) or both national classification and IPC
INV. B41F31/02 B41F31/26 B41N7/06 B23K26/08

Applicant
APEX EUROPE B.V.

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 P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Curt, Denis Telephone No. +31 70 340-4383

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/NL2008/050841

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. 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. 1-17

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	1-15
	No:	Claims	16-17
Inventive step (IS)	Yes:	Claims	1-15
	No:	Claims	16-17
Industrial applicability (IA)	Yes:	Claims	1-17
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item IV.

The separate inventions/groups of inventions are:

Claims 1-15

Anilox with improved fluid transfer

Claims 16,17

Laser engraving of Anilox

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The prior art document US5255603 discloses an Anilox roll (25) for a printing apparatus for transferring a fluid such as an ink, comprising a cylinder having a surface (226), wherein the surface comprises a fluid distribution structure (column 6, lines 44-66) for receiving the fluid , distributing the fluid over the cylinder and transferring the fluid.

This document also implicitly discloses a method for forming an Anilox roll with a laser (see in particular column 6, line 50) as well as an engraving unit comprising a laser for forming an Anilox roll.

The subject matter of the first invention differs from the mentioned prior art document in the following special technical features (see claim 1):

-the fluid distribution structure has a channel formed in the surface for distributing the fluid over the fluid distribution structure , wherein the fluid distribution structure is arranged to transfer in a first operational mode for printing heavy layers of ink in a relatively large fluid droplet and in a second operational mode for printing details a relatively small fluid droplet by a combination of restrictions in the fluid distribution structure, wherein a restriction is formed by a local change of at least one of channel depth and/or channel width and/or channel form and/or channel wall.

The following problem of the first invention can be regarded as to improve the fluid distribution in an Anilox roller.

The subject matter of the second invention differs from the mentioned prior art document in the following special technical features (see claim 1):

the method comprises the step of applying an optical guide in the light path of the laser for enabling the laser spot to move reciprocally on the outer surface to be tooled.

The problem of the second invention can be regarded as the provision of an improved laser engraving method for an Anilox roller as well as its corresponding apparatus.

Thus the 2 stated groups of claims solve different problems with respect to the afore-mentioned prior art by means of different special technical features. Therefore the stated groups of claims are not linked by a single general inventive concept as

required by Rule 13.1 PCT (Laser engraved Anilox roller are already known) and there is no technical relationship between the stated groups of claims involving the same or corresponding special technical features as required by Rule 13.2 PCT.

The 2 stated groups of claims therefore lack unity of invention according to Rules 13.1 and 13.2 PCT.

Re Item V.

1 Reference is made to the following documents:

D1 US 5 255 603 A (SONNEVILLE STEPHEN T [US] ET AL) 26 October 1993 (1993-10-26)

D2 US 4 819 558 A (COUNARD CLETUS J [US]) 11 April 1989 (1989-04-11) cited in the application

D3 US 4 301 583 A (POOLE JOHNNIE L) 24 November 1981 (1981-11-24) cited in the application

D4 GB 2 214 136 A (CROWN WALLCOVERINGS LTD [GB] CROWN WALLCOVERINGS LTD [GB]; BORDEN DECO) 31 August 1989 (1989-08-31)

D5 WO 96/40443 A (PARAMOUNT PACKAGING CORP [US]) 19 December 1996 (1996-12-19) cited in the application

D6 FR 2 449 484 A (EPIC PROD INT [US]) 19 September 1980 (1980-09-19)

D7 US 2004/221755 A1 (HASHIMOTO AKIRA [JP] ET AL) 11 November 2004 (2004-11-11)

2 Claims 1-15

2.1 Document D2, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document) an Anilox roll (12) for a printing apparatus for transferring a fluid such as an ink, comprising a cylinder having a surface, wherein the surface comprises a fluid distribution structure (see figure 3) for receiving the fluid , distributing the fluid over the cylinder and transferring the fluid, wherein the fluid distribution structure has a channel (23) formed in the surface for distributing the fluid over the fluid distribution structure.

From this, the subject-matter of independent claim 1 differs in that: the fluid distribution structure is arranged to transfer in a first operational mode for printing heavy layers of ink in a relatively large fluid droplet and in a second operational mode for printing details a relatively small fluid droplet by a

combination of restrictions in the fluid distribution structure, wherein a restriction is formed by a local change of at least one of channel depth and/or channel width and/or channel form and/or channel wall.

Document D3 and D4 also show engraved roller with a distribution structure made of cells and channels: they do not teach to modify the channel structure in any way in order to be able to print in two mode (with two different type of ink) while conserving a good resolution. Document D7 shows a gravure roller wherein a open cell structure with restriction in two direction is disclosed (see figure 10): the problem to be solved relates to the improvement of flow for high viscosity ink in gravure printing. Since it relates to a different problem, there are no hints in any of D2 to D4 to consider the teaching of D7: a combination of D2 (or D3 or D4) would not lead to the claimed subject matter of claim 1.

The subject matter of claim 1 therefore involves an inventive step.

2.2 Claims 2-15 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

3 Claims 16 and 17

3.1 The features of the optical guide are described in a very general way " for enabling the laser spot to move reciprocally on the outer surface to be tooled". most of the laser engraving tools includes such an optical guide (see for instance document D8 and point 4.1 or D9).

3.2 Document D8, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document) a method for forming an anilox roll (page 1, line 4-6), comprising supplying a cylinder of the anilox roll that has an outer surface to be tooled, supplying at least a laser source and laser engraving the outer surface of the anilox roll with a laser spot that is formed by a laser source for obtaining a tooled anilox roll (page 1, line 10-21), wherein the method further comprises applying an optical guide in the light path of the laser for enabling the laser spot to move reciprocally on the outer surface to be tooled.

Therefore the subject matter of claim 16 is not new in view of document

3.3 Document D8, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document) an apparatus for forming an anilox roll (page 1, line 4-6) to be used in a printing process, comprising a supporting unit for supporting the cylinder shaped anilox roll and for rotating the anilox roll around a longitudinal axis; an engraving unit that is arranged for parallel movement with respect to a cylinder-axis of the anilox roll for engraving a structure on the outer surface of the anilox roll (see figure 4), and a driving unit for driving the engraving settings of the engraving unit, wherein the engraving unit comprises at least a

laser source for laser engraving the outer surface of the anilox roll with a laser spot, wherein the engraving unit further comprises an optical guide for moving the laser spot reciprocally (see for instance on page 5, line 24-37).

Therefore the subject matter of claim 17 is not new in view of D8.

3.4 The subject matter of claim 16 and 17 does not involves an inventive step in view of D9 (see for instance claim 291 and claim 294) which shows a method for forming a rotogravure roller and a corresponding apparatus using a laser : it would be obvious for the man skilled in the art to use this same device for forming an anilox roll since it is just already known to produce anilox roller with a laser source.

*****

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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2 July 2009 (02.07.2009)

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(30) Priority Data:
2001113 21 December 2007 (21.12.2007) NL
2001115 21 December 2007 (21.12.2007) NL

(71) Applicant *(for all designated States except US)*: **Apex Europe B.V.** [NL/NL]; Metaalweg 8-10, NL-5527 AK Hapert (NL).

(72) Inventor; and
(75) Inventor/Applicant *(for US only)*: **HENDRIKS, Martinus Adrianus** [NL/NL]; Handelseweg 104, NL-5423 SC Handel (NL).

(74) Agent: **KETELAARS, Maarten**; Nederlandsch Octrooibureau, J.W. Frisolaan 13, NL-2517 JS The Hague (NL).

(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— *with international search report (Art. 21(3))*

— *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments (Rule 48.2(h))*

(88) Date of publication of the international search report:
4 March 2010

(54) Title: A METHOD FOR PRINTING A SUBSTRATE USING AN ANILOX ROLL, AN ANILOX ROLL FOR A PRINTING METHOD AND A PRINTING APPARATUS

(57) Abstract: The invention relates to an anilox roll for a printing apparatus. The anilox roll comprises a cylinder having a surface. The surface comprises a fluid distribution structure for receiving, distributing and transferring a fluid such as an ink. The fluid distribution structure comprises a channel formed in the surface having channel walls. This channel is arranged for distributing the fluid over the fluid distribution structure. The channel comprises channel parts, wherein the courses of connected channel parts are at an angle with respect to each other for preventing a linear distribution of the fluids to be received in a course direction of the channel, allowing a meandering distribution of the fluid to be received in the channel. Side walls of the channel are arranged for allowing a meandering flow of the fluid throughout the fluid distribution surface.

WO 2009/082225 A3

INTERNATIONAL SEARCH REPORT

International application No
PCT/NL2008/050841

A. CLASSIFICATION OF SUBJECT MATTER
INV. B41F31/02 B41F31/26 B41N7/06 B23K26/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
B41F B41N D21H B23K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 255 603 A (SONNEVILLE STEPHEN T [US] ET AL) 26 October 1993 (1993-10-26) column 4, lines 44-66	1,15
A	US 4 819 558 A (COUNARD CLETUS J [US]) 11 April 1989 (1989-04-11) cited in the application columns 1-5	1-8
A	US 4 301 583 A (POOLE JOHNNIE L) 24 November 1981 (1981-11-24) cited in the application columns 1-4	1-8
A	GB 2 214 136 A (CROWN WALLCOVERINGS LTD [GB] CROWN WALLCOVERINGS LTD [GB]; BORDEN DECO) 31 August 1989 (1989-08-31) the whole document	1

-/--

[X] Further documents are listed in the continuation of Box C.

[X] See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
5 January 2010	19/01/2010

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Curt, Denis

4

Form PCT/ISA/210 (second sheet) (April 2005)

INTERNATIONAL SEARCH REPORT

International application No
PCT/NL2008/050841

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 96/40443 A (PARAMOUNT PACKAGING CORP [US]) 19 December 1996 (1996-12-19) cited in the application page 7, lines 20-30 page 12, lines 5-16	1-15
A	FR 2 449 484 A (EPIC PROD INT [US]) 19 September 1980 (1980-09-19) pages 5-7	1
A	US 2004/221755 A1 (HASHIMOTO AKIRA [JP] ET AL) 11 November 2004 (2004-11-11) the whole document	1
X	WO 93/25387 A1 (ZED INSTR LTD [GB]; ROBERTS SIMON HUGH [GB]) 23 December 1993 (1993-12-23) the whole document	16-17
X	US 2006/249491 A1 (JUERGENSEN HEINRICH [DE]) 9 November 2006 (2006-11-09) the whole document	16-17

4

INTERNATIONAL SEARCH REPORT

International application No.
PCT/NL2008/050841

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. [ ] Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. [ ] Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. [ ] Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. [X] As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.

2. [ ] As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.

3. [ ] As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. [ ] No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

[ ] The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

[ ] The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

[X] No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-15

   Anilox with improved fluid transfer

   ---

2. claims: 16-17

   Laser engraving of anilox

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/NL2008/050841

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
US 5255603	A	26-10-1993	AT	145862	T	15-12-1996
			AU	5096493	A	29-08-1994
			AU	5392398	A	23-04-1998
			BR	9307761	A	24-10-1995
			CA	2155192	A1	18-08-1994
			CN	1090814	A	17-08-1994
			CZ	9502047	A3	17-01-1996
			DE	69306415	D1	16-01-1997
			DE	69306415	T2	27-03-1997
			DK	683730	T3	14-04-1997
			EP	0683730	A1	29-11-1995
			ES	2095078	T3	01-02-1997
			FI	953828	A	12-09-1995
			GR	3021905	T3	31-03-1997
			HK	1006438	A1	26-02-1999
			HU	72569	A2	28-05-1996
			JP	8509668	T	15-10-1996
			MX	9305534	A1	31-08-1994
			NO	953158	A	11-08-1995
			NZ	255918	A	24-11-1997
			SG	50511	A1	20-07-1998
			WO	9418009	A1	18-08-1994
US 4819558	A	11-04-1989	NONE			
US 4301583	A	24-11-1981	NONE			
GB 2214136	A	31-08-1989	US	4939994	A	10-07-1990
WO 9640443	A	19-12-1996	CA	2224091	A1	19-12-1996
			US	5656081	A	12-08-1997
FR 2449484	A	19-09-1980	BE	881900	A1	16-06-1980
			CA	1129247	A1	10-08-1982
			DD	149186	A5	01-07-1981
			DE	3004295	A1	04-09-1980
			GB	2044398	A	15-10-1980
			JP	55117688	A	10-09-1980
			NL	8000747	A	28-08-1980
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			JP	4007335	B2	14-11-2007
			JP	2004330778	A	25-11-2004
			KR	20040090900	A	27-10-2004
			TW	246697	B	01-01-2006
WO 9325387	A1	23-12-1993	AT	159457	T	15-11-1997
			AU	669721	B2	20-06-1996
			AU	4344893	A	04-01-1994
			DE	69314791	D1	27-11-1997
			DE	69314791	T2	09-07-1998
			EP	0644829	A1	29-03-1995
			JP	7507734	T	31-08-1995
			JP	3263394	B2	04-03-2002
			US	5748222	A	05-05-1998
US 2006249491	A1	09-11-2006	US	2006279794	A1	14-12-2006

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/NL2008/050841

Patent document cited in search report	Publication date	Patent family member(s)	Publication date

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.
12/529,750	09/03/2009	Martinus Adrianus Hendriks	09-7436	6148

39820 7590 05/17/2011
EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES, FL 34103

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
05/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES FL 34103

In re Application of
Martinus HENDRIKS
Application No.: 12/529,750
Filed: 03 September 2009
Attorney Docket No.: 09-7436
For: A METHOD FOR PRINTING A SUBSTRATE USING AN ANILOX ROLL, AN ANILOX ROLL FOR A PRINTING METHOD AND A PRINTING 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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 02 March 2011 and renewed on 02 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

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 65504-005US1	Application Number (if known): 12/529,761	Filing date: September 3, 2009
First Named Inventor: Sean Dennis Simpson		
Title: ALCOHOL PRODUCTION PROCESS		

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 Regarding Publication

Signature	Date January 26, 2011
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

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.

Attorney Docket No.: 65504-005US1
Client Ref. No.: 507287USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Simpson	Art Unit	: 1632
Serial No.	: 12/529,761	Examiner	: Not yet assigned
Filed	: September 3, 2009		
Title	: ALCOHOL PRODUCTION PROCESS		

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources and the reduction of greenhouse gas emissions. More specifically, a carbon monoxide-containing gas that is obtained as a waste product of an industrial process is used as a substrate during anaerobic fermentation in a bioreactor to produce one or more alcohols and acetate.

Waste gas streams, such as those emitted from steel mills and other industrial facilities, are often flared off (i.e. burnt) to produce significant amounts of carbon dioxide, which is a greenhouse gas. Such industrial facilities thus contribute significantly to greenhouse gas emissions.

The methods described and claimed in the present application have the effect of reducing the total atmospheric carbon emissions that would otherwise arise from an industrial process. This is achieved in the various claimed methods by using fermentation to capture carbon from waste gas streams, such as those emitted from steel mills. This captured carbon is then be used to generate useful products. This reduces the emission of greenhouse gases and limits the damaging effects that they have on the environment.

Also provided by the invention are methods for maximizing the efficiency of the carbon capture process by providing a second bioreactor into which products and/or by-

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

products of the first fermentation can be introduced and utilized. Products of the second fermentation can also be utilized in the first fermentation. This ability to use products from one fermentation in the other tends to optimize the production of useful products and to maximize the amount of carbon captured.

Accordingly, the subject matter of this application plays a material role in the development of renewable energy resources and the reduction of greenhouse gas emissions. Applicant therefore requests that examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 65504-002US1.

Respectfully submitted,

Date: Jan. 26, 2011

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

Attorney Docket No.: 65504-005US1
Client Ref. No.: 507287USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Simpson	Art Unit	: 1632
Serial No.	: 12/529,761	Examiner	: Not yet Assigned
Filed	: September 3, 2009	Conf. No.	: 6202
Title	: ALCOHOL PRODUCTION PROCESS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT REGARDING PUBLICATION

This application was published on April 29, 2010 as U.S. Publication No. US-2010-0105115-A1. Pursuant to the requirements of the Pilot Program for Green Technologies, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 65504-002US1.

Respectfully submitted,

Date: Jan. 26, 2011

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
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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.
12/529,761	01/06/2010	Sean Dennis Simpson	65504-005US1	6202

69713 7590 02/07/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER

ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 07 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	:	
SIMPSON, Sean *et al.*	:	DECISION ON PETITION
Application No. 12/529761	:	TO MAKE SPECIAL UNDER
Filed: January 6, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-005US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 26, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1632 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

24286
William J. Bundren
THE LAW OFFICE OF WILLIAM J. BUNDREN
734 LaRue Road
Millersville, MD 21108

MAILED

NOV 18 2010

PCT LEGAL ADMINISTRATION

In re Application of
ILETT, Gareth
U.S. Application No.: 12/529,765
PCT No.: PCT/CA2008/000435
Int. Filing Date: 05 March 2008
Priority Date: 05 March 2007
Attorney Docket No.: BDP.003
For: RINSE ASSEMBLY WITH LIVE SWIVEL FITTING

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 30 July 2010 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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 application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

MAILED
APR 17 2012
PCT LEGAL ADMINISTRATION

In re Application of CUNNINGHAM et al	:	
U.S. Application No.: 12/529,768	:	
PCT Application No.: PCT/EP2008/052509	:	DECISION
Int. Filing Date: 29 February 2008	:	
Priority Date Claimed: 05 March 2007	:	
Attorney Docket No.: 2006P01779WOUS	:	
For: A MECHANICAL COUPLING	:	

This is in response to applicant's correspondence filed 07 April 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 29 February 2008, applicant filed international application number PCT/EP2008/052509, which claimed priority of an earlier United Kingdom application filed 05 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 12 September 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 September 2009.

On 03 September 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 February 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 April 2010, applicant filed the instant request for status under 37 CFR 1.42 along with an executed declaration.

On 09 June 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

The declaration indicates that inventor Adrian Sanders is deceased.

37 CFR 1.42 provides, "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."

37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 07 April 2010 fails to list the citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 09 June 2010 was sent prematurely and is hereby **VACATED**.

If reconsideration on the merits 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 Request for Status under 37 CFR 1.42".

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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WOOD HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Christian Ibsen et al	:	
Application No. 12/529,839	:	DECISION ON PETITION
Filed: January 11, 2010	:	TO WITHDRAW
Attorney Docket No. DRAG-10US	:	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 John J. Gresens: (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, John J. Gresens 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: John J. Gresens
Vedder Price P.C.
222 N. LaSalle Street
Chicago, IL 60601

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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DEC 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
James Andrew MCLAUGHLIN, et al	:	
Application No. 12/530,131	:	DECISION ON PETITION
Filed: March 1, 2010	:	TO WITHDRAW
Attorney Docket No. 2009363-0003 (1TS-003)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 24, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

The request cannot be approved because the change of correspondence address is to a new practitioner or law firm, however, is not accompanied by a proper power of attorney.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED

AUG 0 3 2010

OFFICE OF PETITIONS

In re Application of	:	
HUITEMA, Hjalmar Edzer Ayco et al.	:	
Application No. 12/530,142	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: January 25, 2010	:	
Attorney Docket No. **267898**	:	

This is a notice regarding your renewed request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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DEC 02 2010

PCT LEGAL ADMINISTRATION

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

In re Application of WISLER et al.	:
Application No.: 12/530,163	: DECISION ON PETITION
PCT No.: PCT/EP08/52819	:
Int. Filing: 10 March 2008	: UNDER 37 CFR 1.47(a)
Priority Date: 09 March 2007	:
Attorney Docket No.: 14966.0007	:
For: PROCESS FOR SPRAYING NATAMYCIN	:
ONTO BAKERY PRODUCTS AND USE OF	:
HEAT FOR THE REMOVAL OF SOLVENT	:
FROM BAKED PRODUCTS	:

This is a decision on applicant's petition under 37 CFR 1.47(b), treated as a petition under 37 CFR 1.47(a)[1], and filed in the United States Patent and Trademark Office (USPTO) on 17 September 2010, to accept the application without the signature of joint inventor MICHAEL JOHN ELLIS. A request for a five month extension of time is granted.

BACKGROUND

On 04 September 2009, applicant 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 was, *inter alia*, the requisite basic national fee.

On 17 February 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), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 17 September 2010, applicant filed the instant petition to request acceptance of the application without the signature of inventor ELLIS, alleging that the inventor is unavailable.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR

[1] 37 CFR 1.47(b) applies whenever *all of the inventors* refuse to execute the application or cannot be found or reached after diligent effort. Here, where only one of the joint inventors refuses to sign or is unavailable to sign the application, a petition under 37 CFR 1.47(a) is required.

§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).

The petition included the requisite petition fee, satisfying Item (1).

With respect to Item (2) above, the declaration by Tine Anderson, Patent Assistant for assignee DANISCO A/S, accompanied the petition under 37 CFR 1.47(a). Her declaration, which is not a first hand statement of fact, describes the efforts made by others to obtain the nonsigning inventor's signature. Ms. Anderson states that several emails were sent to inventor ELLIS by the office. Redacted copies of the emails accompanied the declaration. Ms. Anderson further stated that joint inventor WISLER was contacted to obtain inventor ELLIS's current phone number. The joint inventor did not have a current phone number. Ms. Anderson personally attempted to contact inventor ELLIS using an account she believed belonged to him through LinkedIn.com without success. Ms. Anderson also attempted to contact the nonsigning inventor through his current employer AB Mauri. Legal counsel for AB Mauri indicated that Mr. ELLIS did not wish to sign.

The evidence provided did not indicate that the nonsigning inventor received a complete copy of the application papers including specification, claims, drawings and declaration. No evidence of delivery of the application papers to the nonsigning inventor was provided in spite of the fact that his last known address was provided. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [2] Thus, it cannot be concluded that the nonsigning inventor was presented with a complete copy of the application papers.

Item (3) is satisfied because the last known address for the non-signing inventor was provided.

---

[2] A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.
(Emphasis added.)

With regard to Item (4), the declarations executed by the available joint inventors on their behalf and on behalf of the non-signing inventor were submitted and meet the requirements of 37 CFR 1.497(a) and (b). Item (4) is satisfied.

In sum, Petitioner has satisfied Item (1) and (3) and (4). 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

Telephone: (571) 272-3286
Facsimile (571) 272-0459

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FEB 03 2011

PCT LEGAL ADMINISTRATION

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

In re Application of WISLER et al. :
Application No.: 12/530,163 : DECISION ON PETITION
PCT No.: PCT/EP08/52819 :
Int. Filing: 10 March 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 09 March 2007 :
Attorney Docket No.: 14966.0007 :
For: PROCESS FOR SPRAYING NATAMYCIN:
ONTO BAKERY PRODUCTS AND USE OF :
HEAT FOR THE REMOVAL OF SOLVENT :
FROM BAKED PRODUCTS :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), and filed in the United States Patent and Trademark Office (USPTO) on 01 February 2011, to accept the application with the declaration, executed by the previously non-signing inventor MICHAEL JOHN ELLIS

BACKGROUND

On 04 September 2009, applicant 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 was, *inter alia*, the requisite basic national fee.

On 17 February 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), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 17 September 2010, applicant filed a petition to request acceptance of the application without the signature of inventor ELLIS, alleging that the inventor was unavailable.

On 02 December 2010, a decision was mailed to applicant indicating that all the requirements of 37 CFR 1.47(a) had not been met.

On 01 February 2011, applicant filed a declaration, executed by the previously non-signing inventor MICHAEL JOHN ELLIS.

DISCUSSION

Petitioner has now presented the declaration signed by inventor MICHAEL JOHN ELLIS. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and is executed by the previously non-signing inventor. The declaration also states the residency, citizenship and mailing address of each inventor. The declaration executed by inventor ELLIS is acceptable under 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted.

The Notification of Acceptance mailed on 23 November 2010 is hereby VACATED as indications regarding the date of completion of all 35 U.S.C. 371 requirements and the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements are in error. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 01 February 2011.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The Notification of Acceptance mailed on 23 November 2010 is **VACATED**.

The declaration, executed by the previously non-signing inventor, submitted 01 February 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 in accord with this decision including issuance of a new Notification of Acceptance. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 01 February 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

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
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Telephone: (571) 272-3286
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FEB 03 2011

PCT LEGAL ADMINISTRATION

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

In re Application of WISLER et al.	:
Application No.: 12/530,163	: DECISION ON PETITION
PCT No.: PCT/EP08/52819	:
Int. Filing: 10 March 2008	: UNDER 37 CFR 1.47(a)
Priority Date: 09 March 2007	:
Attorney Docket No.: 14966.0007	:
For: PROCESS FOR SPRAYING NATAMYCIN	:
ONTO BAKERY PRODUCTS AND USE OF	:
HEAT FOR THE REMOVAL OF SOLVENT	:
FROM BAKED PRODUCTS	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), and filed in the United States Patent and Trademark Office (USPTO) on 01 February 2011, to accept the application with the declaration, executed by the previously non-signing inventor MICHAEL JOHN ELLIS.

BACKGROUND

On 04 September 2009, applicant 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 was, *inter alia*, the requisite basic national fee.

On 17 February 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), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 17 September 2010, applicant filed a petition to request acceptance of the application without the signature of inventor ELLIS, alleging that the inventor was unavailable.

On 02 December 2010, a decision was mailed to applicant indicating that all the requirements of 37 CFR 1.47(a) had not been met.

On 01 February 2011, applicant filed a declaration, executed by the previously non-signing inventor MICHAEL JOHN ELLIS.

DISCUSSION

Petitioner has now presented the declaration signed by inventor MICHAEL JOHN ELLIS. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and is executed by the previously non-signing inventor. The declaration also states the residency, citizenship and mailing address of each inventor. The declaration executed by inventor ELLIS is acceptable under 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted.

The Notification of Acceptance mailed on 23 November 2010 is hereby VACATED as indications regarding the date of completion of all 35 U.S.C. 371 requirements and the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements are in error. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 01 February 2011.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The Notification of Acceptance mailed on 23 November 2010 is **VACATED**.

The declaration, executed by the previously non-signing inventor, submitted 01 February 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 in accord with this decision including issuance of a new Notification of Acceptance. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 01 February 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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Tel: 571-272-3286
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15 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

PATENT CENTRAL LLC
Stephan A. Pendorf
1401 Hollywood Boulevard
Hollywood FL 33020

In re Application of	:	
EICHLER, et al.	:	DECISION ON PETITION
Serial No.: 12/530,227	:	
PCT No.: PCT/DE2008/000417	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 07 March 2008	:	
Priority Date: 08 March 2007	:	
Atty Docket No.: 4091.003	:	
For: PORTABLE PNEUMOTACHOGRAPH FOR MEASURING COMPONENTS OF AN EXPIRATION VOLUME AND METHOD THEREFOR	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 20 July 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 May 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 20 July 2010, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 20 May 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining items and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 07 March 2007 under 35 U.S.C. 363, and will be given a date of **20 July 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

15 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

Mr. Werner Steinhaeusser
Am Rimbach 20A
97268 Kirchheim
GERMANY

In re Application of
EICHLER, et al.
Serial No.: 12/530,227
PCT No.: PCT/DE2008/000417
Int. Filing Date: 07 March 2008
Priority Date: 08 March 2007
Atty Docket No.: 4091.003
For: PORTABLE PNEUMOTACHOGRAPH FOR MEASURING COMPONENTS OF AN EXPIRATION VOLUME AND METHOD THEREFOR

Dear Mr. Steinhaeusser:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
PATENT CENTRAL LLC
Stephan A. Pendorf
1401 Hollywood Boulevard
Hollywood FL 33020 United States of America

1 5 SEP 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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Dr. Gunther Becher
Frobelweg 33
16321 Bernau
GERMANY

In re Application of
EICHLER, et al.
Serial No.: 12/530,227
PCT No.: PCT/DE2008/000417
Int. Filing Date: 07 March 2008
Priority Date: 08 March 2007
Atty Docket No.: 4091.003
For: PORTABLE PNEUMOTACHOGRAPH FOR MEASURING COMPONENTS OF AN EXPIRATION VOLUME AND METHOD THEREFOR

Dear Dr. Becher:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
PATENT CENTRAL LLC
Stephan A. Pendorf
1401 Hollywood Boulevard
Hollywood FL 33020 United States of America

1 5 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Mr. Stefan Dietze
Birkenwerder Weg 39
16515 Lehnitz
GERMANY

In re Application of
EICHLER, et al.
Serial No.: 12/530,227
PCT No.: PCT/DE2008/000417
Int. Filing Date: 07 March 2008
Priority Date: 08 March 2007
Atty Docket No.: 4091.003
For: PORTABLE PNEUMOTACHOGRAPH FOR MEASURING COMPONENTS OF AN EXPIRATION VOLUME AND METHOD THEREFOR

Dear Mr. Dietze:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
PATENT CENTRAL LLC
Stephan A. Pendorf
1401 Hollywood Boulevard
Hollywood FL 33020 United States of America

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	12530299
Filing Date	08-Sep-2009
First Named Inventor	Michael Ambroiggio
Art Unit	1778
Examiner Name	MATTHEW SAVAGE
Attorney Docket Number	ABG 0007 US
Title	HOT WATER FILTER FOR A DISHWASHER

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 67339

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	Michael A. Ambroiggio
Address	21415 Loch Lane
City	Crest Hill
State	IL
Postal Code	60435
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael L. Kenaga/
Name	Michael L. Kenaga
Registration Number	34639

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 8,2011

In re Application of :

Michael Ambroiggio

Application No : 12530299

Filed : 08-Sep-2009

Attorney Docket No : ABG 0007 US

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 8,2011

The request is **APPROVED.**

The request was signed by Michael L. Kenaga (registration no. 34639) on behalf of all attorneys/agents associated with Customer Number 67339 . All attorneys/agents associated with Cusotmer Number 67339 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	Michael A. Ambroiggio
Name2	
Address 1	21415 Loch Lane
Address 2	
City	Crest Hill
State	IL
Postal Code	60435
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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PCT LEGAL ADMINISTRATION

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of :
NODA, et al. :
Application No.: 12/530,317 : DECISION ON PETITION
PCT No.: PCT/JP2008/000709 :
Int. Filing Date: 25 March 2008 : UNDER 37 CFR 1.181
Priority Date: 26 March 2007 :
Atty Docket No.: 142732 :
For: TWO-DIMENSIONAL PHOTONIC CRYSTAL :

This is a decision on applicant's "Fourth Request For Corrected Notification of Acceptance" filed 04 June 2010 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 08 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 07 December 2009, applicant filed an executed declaration of the inventors.

On 08 March 2010, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 08 September 2009.

On 04 June 2010, applicant filed the present petition claiming that the 371 requirements were satisfied on 07 December 2009.

In addition to the evidence presently provided by applicant; a review of the application file finds the executed declaration contained therein with a filing date of 07 December 2009.

For the reasons above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 25 March 2008 under 35 U.S.C. 363 and will be given a date of **07 December 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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 08 March 2010 indicating a date of 08 September 2009 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above; as well as the corrections detailed on the marked-up filing receipt which accompanies the present petition.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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COMMISSIONER FOR PATENTS
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MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE, IL 60532

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DEC 08 2010
PCT LEGAL ADMINISTRATION

In re Application of HIRATA et al	:	
U.S. Application No.: 12/530,338	:	
PCT Application No.: PCT/US2008/003135	:	
Int. Filing Date: 10 March 2008	:	DECISION
Priority Date Claimed: 08 March 2007	:	
Attorney Docket No.: A7-246 US	:	
For: HIGH DENSITY SURFACE MOUNT CONNECTOR	:	

This is in response to applicant's petition under 37 CFR 1.497(d) filed 01 March 2010.

BACKGROUND

On 10 March 2008, applicant filed international application PCT/US2008/003135, which claimed priority of an earlier Japan application filed 08 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 08 September 2009.

On 08 September 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 December 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 01 March 2010, applicant filed the present petition under 37 CFR 1.497(d) along with executed declarations.

DISCUSSION

The petition states that Masami Sasao should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the purported assignee has been provided.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declarations filed on 01 March 2010 fail to list all of the inventors as required under 37 CFR 1.497(a)(3).

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
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PCT LEGAL ADMINISTRATION

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of	:	
HEATHER, David	:	
U.S. Application No.: 12/530,360	:	DECISION ON
PCT No.: PCT/GB2008/000809	:	
Int. Filing Date: 07 March 2008	:	PETITION UNDER
Priority Date: 08 March 2007	:	
Attorney Docket No.: 930058-2012	:	37 CFR 1.47(b)
For: CONNECTOR SYSTEM FOR	:	
BUILDING MODULES	:	

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 18 August 2010.

BACKGROUND

On 19 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late furnishing of the search fee, examination fee or oath or declaration were required.

On 18 August 2010, applicant filed this petition under 37 CFR 1.47, accompanied by the fee for a five month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the 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 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.

Items (1), (3), (4), (5) and (6) have been satisfied. The balance of the $200 petition fee will be charged to deposit account no. 50-0320, as authorized. Applicant states the last known address of David Heather is 2 East Drive, High Wycombe, Buckinghamshire HP13 6JN, Great Britain. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47. Applicants have established sufficient proprietary interest in the application. Applicant has made the showing that the petition is necessary to preserve the rights of the parties.

Item (2) has not been satisfied. Applicants claim to have sent the nonsigning inventor two complete copies of the application papers via registered mail, that were received. The copies of the letters and documentary evidence of receipt have not been furnished. Additionally, it is not clear that Mr. Bardo has first hand knowledge of the content Ms. Teesdale's phone calls. Copies of documentary evidence supporting the presentation of papers should be submitted.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this 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)".

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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JUL 20 2011

PCT LEGAL ADMINISTRATION

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of HEATHER, David U.S. Application No.: 12/530,360 PCT No.: PCT/GB2008/000809 Int. Filing Date: 07 March 2008 Priority Date: 08 March 2007 Attorney Docket No.: 930058-2012 For: CONNECTOR SYSTEM FOR BUILDING MODULES	DECISION ON PETITION UNDER 37 CFR 1.47(b)

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 24 May 2011.

BACKGROUND

On 26 November 2010, the Office mailed Decision On Petition, dismissing applicants' petition without prejudice.

On 24 May 2011, applicant filed this petition under 37 CFR 1.47, accompanied by the fee for a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the 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 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.

Items (1), (3), (4), (5) and (6) were previously satisfied. Applicant states the last known address of David Heather is 2 East Drive, High Wycombe, Buckinghamshire HP13 6JN, Great Britain.

Item (2) has been satisfied.

CONCLUSION

For the above reasons, applicant's 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 nonsigning 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 forwarded to the National Stage Processing Branch of the Office of Patent Application Processing 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 **18 August 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JUL 20 2011

PCT LEGAL ADMINISTRATION

David Heather
2 East Drive
High Wycombe,
Buckinghamshire HP13 6JN
Great Britain

In re Application of
HEATHER, David
U.S. Application No.: 12/530,360
PCT No.: PCT/GB2008/000809
Int. Filing Date: 07 March 2008
Priority Date: 08 March 2007
Attorney Docket No.: 930058-2012
For: CONNECTOR SYSTEM FOR BUILDING MODULES

Dear Mr. Heather:

You are named as an 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 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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Thomas HANNEWALD :
Application No. 12/530,385 : DECISION ON PETITION
Filed: September 8, 2009 :
Attorney Docket No. 502901-541PUS :

This is a decision on the petition filed November 3, 2009, under the provisions of 37 CFR 1.59(b), to expunge information from the above identified application.

The petition to expunge is **DISMISSED**.

Any request for reconsideration of this decision must include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The grant of a petition under 37 CFR 1.59 (b) to expunge information submitted in an incorrect application will be governed by the factors: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included. See MPEP 724.05 (II). The instant petition fails to satisfy all the factors listed above as it is unsigned.

In regard to the missing signature, petitioner should note that his signature on the instant petition is not enclosed between forward slash marks, as required by 37 CFR 1.4(d)(2).

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of :
Thomas HANNEWALD :
Application No. 12/530,385 : DECISION ON PETITION
Submitted: September 8, 2009 :
Attorney Docket No. 502901-541PUS :

This is a decision on the renewed petition filed September 15, 2010, under the provisions of 37 CFR 1.59(b), to expunge information from the above identified application.

The petition to expunge is **GRANTED**.

Petitioner states that on November 3, 2009, an Oath/Declaration was inadvertently filed in the above identified application. The papers were apparently intended to be filed in U.S. Application bearing the Serial No. 12/596,605, filed October 19, 2009 (PCT/DE2008/000236). The petitioner is requesting that the Oath/Declaration "be removed from the above-identified file and be placed into its proper location."

As an initial matter, petitioner should note that the intended U.S. application for the misfiled document appears to be 12/593,823 rather than the application whose serial number is identified in the instant petition. This identification is based on the International Application Number (i.e., PCT application number) and the title of the invention cited in the document to be expunged. Petitioner should notify the Office if this is **not** a correct reading of the information therein.

A petition under 37 CFR 1.59(b) requires the $200 fee set forth in 37 CFR 1.17(g) and has been charged to Deposit Account No. 03-2412, as authorized.

A review of the document to be expunged indicates that it does not belong in the instant application. As set forth in MPEP § 724.05, paragraph III, the granting of a petition to expunge information submitted in an incorrect application will be governed by "the factors enumerated in paragraph II of this section in regard to the unintentional submission of information". The instant petition satisfies the relevant factors from those listed in MPEP § 724.05, paragraph II.

In view of the above, the petition to expunge has been **GRANTED**.

The Oath/Declaration that was requested to be removed has been expunged from the instant application. As of mailing date of this decision, the corresponding images of the expunged documents in Image File Wrapper (IFW) have been "closed" thereby removing them from a list of publicly available documents associated with this application. As an Oath/Declaration has been filed in the Application bearing the Serial No. 12/593,823, the expunged Oath/Declaration is not being transferred to the '823 application. The $130 fee paid in connection with the misfiled Oath/Declaration is being refunded to petitioner's Deposit Account No. 03-2412.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4914.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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FEB 22 2011

PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of BROO et al. Application No.: 12/530,443 PCT No.: PCT/SE08/50259 Int. Filing Date: 07 March 2008 Priority Date: 08 March 2007 Attorney Docket No.: 23854-0025US1 For: 2-SUBSTITUTED-3-PHENYLPRONPIONIC ACID DERIVATIVES AND THEIR USE IN THE TREATMENT OF INFLAMMATORY BOWEL DISEASE	DECISION ON under 37 CFR 1.497(d)

This is a decision on applicant's petition entitled "Petition to Correct Inventorship Inventor's Declaration Under 37 CFR 1.497(d) and (f)" filed on 16 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 March 2008, applicant filed international application PCT/SE08/50259, which identified Anders Broo, Johan Gottfries, Michael Kossenjans, Li Lanna, Eva-Lotte Lindstedt-Al-Stermark, Kristina A. Nilsson, Bengt Ohlsson and Maria Thorstensson as applicant/inventors.

On 08 September 2009, applicant filed a Transmittal Letter requesting National stage entry under 35 U.S.C. 371 for international application PCT/SE08/50259 along with the basic national fee.

On 15 January 2010, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia,* that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. On 06 August 2010, applicant filed a response along with an executed declaration and a request for a five month extension of time.

On 02 September 2010, a Notification of Defective Response was mailed indicating that all inventors must be identified on the declaration and that a deceased inventor was added who was not identified on the international application.

On 16 September 2010, applicant filed a response to the Notification of Defective Response along with a petition under 37 CFR 1.497(d) for correction of inventorship, to add Maria Boije (deceased) as an inventor.

On 20 October 2010, a Notification of Acceptance was erroneously mailed to applicant.

On 21 October 2010, applicant filed a request for a corrected filing receipt.

DISCUSSION

At the outset, it is noted that the 20 October 2010 Notification of Acceptance was erroneously mailed to applicant since the requirements of 35 U.S.C. 371(c) had not been met. The Notification is hereby **VACATED**.

Petitioner petitions to add Maria Boije as an inventor[1] indicating that through error, and without deceptive intent, she was not named an inventor on the international application. However, Petitioner cannot provide the statement of Maria Boije in support of the correction of inventorship under 37 CFR 1.497(d) because she is deceased. Instead, the statement is executed by the legal representative of Ms. Boije was presented but this does not satisfy the requirements of 37 CFR 1.497(d).

In the analogous context of a petition under 37 CFR 1.48, section 201.03(II)(A) of the MPEP addresses situations *where the required statement from an added inventor cannot be obtained.* The MPEP states that, on "very infrequent occasions", the statement requirement can be waived pursuant to a petition under 37 CFR 1.183. The MPEP goes on to suggest an alternative remedy, as follows:

> An available remedy to obtain correction of inventorship where waiver of a required statement is not available to correct the inventorship in a particular application is to refile the application naming the correct inventive entity. A request under 37 CFR 1.48(a) would not then be required in the newly filed application as no correction would be needed. Furthermore, a request under 37 CFR 1.48(a) would also not be required in the prior application that was refiled, since the prior application will be abandoned. Benefit of the parent application's filing date would be available under 35 U.S.C. 120 provided there is at least one inventor overlap between the two applications. (Note: a sole-to-sole correction would not obtain benefit under 35 U.S.C. 120).

Here, applicant may wish to file a continuation application as noted above as an alternative to the less certain petition under 37 CFR 1.183.

CONCLUSION

For the reasons discussed above, the submission under 37 CFR 1.497(d) to add Maria Boije as an inventor is hereby **DISMISSED**.

The 20 October 2010 Notification of Acceptance is hereby **VACATED**. In light of the above, the 21 October 2010 request for a corrected filing receipt is **DISMISSED.**

The application will be held in the 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.

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[1]It does not appear that applicant filed a request under PCT Rule 92*bis* to add the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the addition of the inventor was accepted during the international phase.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE OR 97070-7777

MAILED

NOV 16 2010

PCT LEGAL ADMINISTRATION

In re Application of
PARIS et al.
Application No.: 12/530,453
PCT No.: PCT/US08/56356
Int. Filing Date: 09 March 2008
Priority Date: 09 March 2007
Atty Docket No.: 10394-REG2/TLE
For: INCREMENTAL ANALYSIS OF LAYOUT DESIGN DATA

DECISION ON

under 37 CFR 1.497(d)

This is a decision on applicant's' "Response to Notification of Defective Response", filed on 30 August 2010 in the United States Patent and Trademark Office (USPTO), and treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 08 September 2009, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 21 January 2010, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. A response to the Notification was filed on 21 July 2010 along with a request for a four month extension of time.

On 29 July 2010, a Notification of Defective Response was mailed to applicant indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) in that (1) it contained an alteration and (2) Anant Adke was identified on the declaration but was not listed on the international application.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

With respect to Item (1), Petitioner has provided a statement from inventor Adke that any error in inventorship occurred without deceptive intention on his part. Thus, Item (1) is satisfied. Applicant satisfied Item (2) above with the submission of the petition fee charged to applicant's deposit account.

However, with regard to Item (3), since the PCT publication identifies a legal entity as an applicant, confirmation that the entity is <u>not</u> an assignee, which must provide consent to the addition of the inventor, is required and has not been provided. Clarification by the attorney of record regarding whether the legal entity is an assignee is required. If an assignee is identified, the Written Consent of the assignee consenting to the addition of Anant Adke as inventor in this

application to correct the inventorship under 37 CFR 1.497(d)(3) is required. Item (3) above is not yet satisfied. Accordingly, applicant has not met all of the requirements to add inventor Adke in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby dismissed.

Applicant is also advised that the declaration executed by JAMES PARIS is not acceptable. A review of the declaration reveals that the inventor's address has been altered. Applicant submitted a copy of the altered declaration with the initials of inventor PARIS and the date. However, the USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants *prior to execution* of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration *but will require a new oath or declaration.*

Therefore, a new acceptable oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and executed by the inventor JAMES PARIS, is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

The petition under 37 CFR 1.497(d) to add inventor in the above-captioned application is **DISMISSED WITHOUT PREJUDICE.** The written consent of the assignee to add co-inventor Adke in the above-identified international application is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE OR 97070-7777

In re Application of PARIS et al. Application No.: 12/530,453 PCT No.: PCT/US08/56356 Int. Filing Date: 09 March 2008 Priority Date: 09 March 2007 Atty Docket No.: 10394-REG2/TLE For: INCREMENTAL ANALYSIS OF LAYOUT DESIGN DATA	DECISION ON UNDER 37 CFR §§1.497(d) & 1.137(b)

This is a decision on applicant's "Petition For Revival of An Application For Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and applicant's Renewed Petition under 37 CFR 1.497(d), filed on 07 September 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 September 2009, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 21 January 2010, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. A response to the Notification was filed on 21 July 2010 along with a request for a four-month extension of time.

On 29 July 2010, a Notification of Defective Response was mailed to applicant indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) in that (1) it contained an alteration and (2) Anant Adke was identified on the declaration but was not listed on the international application.

On 30 August 2010, applicant filed a response to the Notification of Defective Response. On 16 November 2010, a decision dismissing the petition under 37 CFR 1.497(d) was mailed to applicant.

On 14 July 2011, a Notification of Abandonment was mailed to applicant on the grounds that applicant had not responded to the16 November 2010 decision.

DISCUSSION

Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $1620 has

been paid.

Applicant submitted the proper reply, the written consent of the assignee, in compliance with 37 CFR 1.497(d). Applicant also paid the appropriate petition fee.

Petition Under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant previously satisfied Items (1) and (2). With regard to Item (3), applicant has provided the Written Consent of the assignee consenting to the addition of Anant Adke as inventor in this application to correct the inventorship. Item (3) above is now satisfied. Accordingly, applicant has met all of the requirements to add inventor Adke in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby GRANTED.

The declaration, in compliance with 37 CFR 1.497(a) and (b) and executed by the inventors, has been submitted to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED.**

The petition under 37 CFR 1.497(d) to add Anant Adke as a inventor in the above referenced application is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 21 July 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286

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	12530461
Filing Date	09-Sep-2009
First Named Inventor	Zvi Schreiber
Art Unit	2172
Examiner Name	NAMITHA PILLAI
Attorney Docket Number	GHO-008-US
Title	System and Method for Browser within a Web Site and Proxy Server

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55890

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	Infinity IP Bank International (Suzhou) Co. Ltd.
Address	Unit 9-704-1, No. 328 Xinghu Street Suzhou Industrial Park
City	Suzhou, Jiangsu Province
State	
Postal Code	
Country	CN

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Simon Mark Kahn/
Name	Simon Mark Kahn
Registration Number	48249

UNITED STATES 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 9,2011

In re Application of :

Zvi Schreiber

Application No : 12530461

Filed : 09-Sep-2009

Attorney Docket No : GHO-008-US

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 9,2011

The request is **APPROVED.**

The request was signed by Simon Mark Kahn (registration no. 48249) on behalf of all attorneys/agents associated with Customer Number 55890 . All attorneys/agents associated with Cusotmer Number 55890 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 Infinity IP Bank International (Suzhou) Co. Ltd.

Name2

Address 1 Unit 9-704-1, No. 328 Xinghu Street

Address 2 Suzhou Industrial Park

City Suzhou, Jiangsu Province

State

Postal Code

Country CN

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 9,2011

In re Application of :

Zvi Schreiber

Application No : 12530463

Filed : 27-Jan-2010

Attorney Docket No : GHO-006-US

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 9,2011

The request is **APPROVED.**

The request was signed by Simon Mark Kahn (registration no. 48249) on behalf of all attorneys/agents associated with Customer Number 55890 . All attorneys/agents associated with Cusotmer Number 55890 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 Infinity IP Bank International (Suzhou) Co. Ltd.

Name2

Address 1 Unit 9-704-1, No. 328 Xinghu Street

Address 2 Suzhou Industrial Park,

City Suzhou, Jiangsu Province

State

Postal Code

Country CN

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	12530463
Filing Date	27-Jan-2010
First Named Inventor	Zvi Schreiber
Art Unit	2163
Examiner Name	MARK LEE
Attorney Docket Number	GHO-006-US
Title	Virtual File System for the Web

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55890

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	Infinity IP Bank International (Suzhou) Co. Ltd.
Address	Unit 9-704-1, No. 328 Xinghu Street Suzhou Industrial Park,
City	Suzhou, Jiangsu Province
State	
Postal Code	
Country	CN

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Simon Mark Kahn/
Name	Simon Mark Kahn
Registration Number	48249

UNITED STATES 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 9,2011

In re Application of :

Zvi Schreiber

Application No : 12530465

Filed : 06-Feb-2010

Attorney Docket No : GHO-009-US

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 9,2011

The request is **APPROVED.**

The request was signed by Simon Mark Kahn (registration no. 48249) on behalf of all attorneys/agents associated with Customer Number 55890 . All attorneys/agents associated with Cusotmer Number 55890 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 Infinity IP Bank International (Suzhou) Co., Ltd.

Name2

Address 1 Unit 9-704-1, No. 328 Xinghu Street

Address 2 Suzhou Industrial Park

City Suzhou, Jiangsu Province

State

Postal Code

Country CN

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	12530465
Filing Date	06-Feb-2010
First Named Inventor	Zvi Schreiber
Art Unit	2456
Examiner Name	YASIN BARQADLE
Attorney Docket Number	GHO-009-US
Title	System and Method for a Virtual Hosted Operating System

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55890

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	Infinity IP Bank International (Suzhou) Co., Ltd.
Address	Unit 9-704-1, No. 328 Xinghu Street Suzhou Industrial Park
City	Suzhou, Jiangsu Province
State	
Postal Code	
Country	CN

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Simon Mark Kahn/
Name	Simon Mark Kahn
Registration Number	48249

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POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON, DE 19899-0951

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of
Howard Glenn Damude et al
Application No. 12/530,481
Filed: September 9, 2009
Attorney Docket No. 035718/391344

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 25, 2011.

The request is **APPROVED**.

A review of the file record indicates that W. Murray Spruill: (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, W. Murray Spruill has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: W. Murray Spruill
Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

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07 OCT 2010

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02555
KREMBLAS, FOSTER, PHILLIPS & POLLICK
7632 Slate Ridge Blvd.
Reynoldsburg, OH 43068

In re Application of :
JIANG, Jinsheng :
U.S. Application No.: 12/530,485 :
PCT No.: PCT/EP2008/053360 :
Int. Filing Date: 20 March 2008 : **DECISION**
Priority Date: 22 March 2007 :
Attorney's Docket No.: GOTZF 201 :
For: TEMPERATURE MONITORING FOR :
CIRCUIT BREAKERS :

The decision is in response to the petition under 37 CFR 1.47(b) submitted on 11 June 2010.

BACKGROUND

On 12 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicant was given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 11 June 2010, the 37 CFR 1.47(b) applicant submitted the instant petition which was accompanied by, *inter alia*, a $130.00 surcharge fee; a $200.00 petition fee; a three-month extension and $1,110.00 extension fee; a declaration of Martin Golze; an executed declaration; a legal memorandum; and documentary evidence in support of the petition.

On 16 June 2010, applicant informed the Office that the first name of the inventor was incorrectly spelled in the international application. The correct spelling should be Jinsheng JIANG. Applicant provided a Supplemental Application Data Sheet with this communication.

DISCUSSION

The 37 CFR 1.47(b) applicant (Baumüller Nürnberg GmbH) claims that the sole inventor, Jinsheng JIANG, refuses to cooperate and have filed the subject petition in response to the Form PCT/DO/EO/905.

A petition under 37 CFR 1.47(b) requires (1) the petition fee, (2) factual proof

that the inventor refuses to execute the application or cannot be located, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), (4) and (6) are satisfied.[1]

With regards to item (5), the 37 CFR 1.47(b) applicant claims proprietary interest obtained other than by assignment, or an agreement to assign and have submitted a legal memorandum by Jürgen Veh to that effect. Applicant provided copies of an agreement between Baumüller Nürnberg GmbH and the nonsigning inventor (with an accompanying English translation) for an invention entitled Temperature Monitoring for Circuit Breakers. Applicant also included an English translation of the German Act on Employees Inventions.

Mr. Veh in his legal memorandum concludes that Baumüller Nürnberg GmbH enjoys the "right to this service invention on an unrestricted basis." A review of the evidence verifies this conclusion.

Item (5) of 37 CR 1.47(b) is also complete.

Concerning item (2), the 37 CFR 1.47(b) applicant provided a declaration of Mr. Martin Golze who states that he personally spoke Mr. JIANG at a trade fair on on 25 November 2009 where Mr. JIANG indicated that he would go back to China and that "he wouldn't give any further declarations on behalf of Baumüller."

This is treated as a refusal to join which is discussed in MPEP § 409.03(d)(II) and 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.
>
> 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

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[1] Applicant submitted a $200.00 petition fee. The last known address of the nonsigning inventor was provided in the petition. A statement of irreparable damage was made in the petition.

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.

The purported oral refusal is not accepted as there is no evidence that a copy of the application papers were received by Mr. JIANG prior to 25 November 2009.[2] For a refusal to cooperate, the 37 CFR 1.47(b) applicant must have provided (or attempted to provide) a complete copy of the subject application (including specification, claims and drawings) to the nonsigning inventor.

In his declaration, Mr. Golze states that a "copy of the intended application" was sent to the last known address of Mr. JIANG on 31 May 2010; however, these papers were returned undelivered. If Mr. JIANG cannot be reached, applicant may wish to consider filing a renewed petition under the requirements listed in MPEP § 409.03(d)(I). A statement of facts and documentary evidence showing that a diligent effort was made to locate the nonsigning inventor should be provided with such a petition.

For the reasons listed above, item (2) of 37 CFR 1.47(b) is not satisfied.

Regarding item (4), the 37 CFR 1.47(b) applicant provided a declaration signed by Mr. Frank H. Foster by S-signature. Mr. Foster states in the petition that he is "authorized by the owner of the invention, Baumüller Nürnberg GmbH, to sign the declaration of the inventor as provided in MPEP 409.03(b)(A) on behalf of Baumüller Nürnberg GmbH."

Nonetheless, the declaration is unacceptable for the following reasons.

The S-signature of Mr. Foster does not meet the requirements of 37 CFR 1.4(d)(2)(ii) in that the patent practitioner did not supply his registration number as part of the S-signature, or immediately below or adjacent to the S-signature. Moreover, the declaration does not meet the requirements of 37 CFR 1.497(b)(2) as the declaration fails to identify the 37 CFR 1.47(b) applicant, and fails to state the relationship of the 37 CFR 1.47(b) applicant to the inventor.

For these reasons, item (4) of 37 CFR 1.47(b) is also not satisfied.

---

[2] It is also noted that the letter dated 31 May 2010 and accompanying postal receipts provided in the subject petition are in the German language without an English translation. The Office does not accept documents in a foreign language as evidence without an accompanying English translation.

CONCLUSION

Applicant's petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time are available.

MPEP § 1893.01(e) 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 communication mailed 16 June 2010 is sufficient notification. The proper spelling of the sole inventor is Jinsheng JIANG.

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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02555
KREMBLAS & FOSTER
7632 Slate Ridge Blvd.
Reynoldsburg, OH 43068

MAILED
MAR 08 2011
PCT LEGAL ADMINISTRATION

In re Application of
JIANG, Jinseng
U.S. Application No.: 12/530,485
PCT No.: PCT/EP2008/053360
Int. Filing Date: 20 March 2008
Priority Date: 22 March 2007
Attorney's Docket No.: GOTZF 201
For: TEMPERATURE MONITORING FOR CIRCUIT BREAKERS

DECISION

The decision is in response to the renewed petition under 37 CFR 1.47(b) filed 12 January 2011.

BACKGROUND

On 07 October 2010, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Applicant was given two months to respond with extensions of time available.

On 12 January 2011, applicant filed a renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a two-month extension and $490.00 fee; a declaration executed on behalf of the nonsigning inventor; a revised declaration of Martin Golze; and documentary evidence in support of the petition (Exhibits 8 - 13).

DISCUSSION

The 37 CFR 1.47(b) applicant (Baumüller Nürnberg GmbH) claims that Jinseng JIANG refuses to cooperate and have filed the subject petition under 37 CFR 1.47(b).

As previously stated, a petition under 37 CFR 1.47(b) requires (1) the petition fee, (2) factual proof that the inventors refuse to execute the application or cannot be located, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (2) and (4) of 37 CFR 1.47(b) are still outstanding.

Concerning item (2), the 37 CFR 1.47(b) applicant provided a renewed declaration of Mr. Martin Golze dated 12 January 2011. Mr. Golze states that he found a new address for Dr. JIANG in November 2010. This address turned out to be the address of LT-I Systems Co., the new employer of Dr. JIANG. Upon further investigation, Mr. Golze received a copy of Dr. JIANG's business card from a Chinese affiliate of the assignee. A copy of the business card with an accompanying English translation were submitted as Exhibit 13. Mr. Golze states that he sent a letter to the nonsigning inventor on 06 December 2010 requesting that he cooperate in the subject application. A copy of the cover letter was provided as Exhibit 9. Mr. Golze then sent an email to Mr. JIANG on 08 December 2010. This email included a complete copy of the subject application. A copy of the email was provided as Exhibit 11. Mr. Golze then had his Chinese associate mail a complete copy of the subject application to Dr. JIANG. This was completed on 09 December 2010. Mr. Golze states that he has not received any response from Dr. JIANG as of the date of the renewed declaration.

This evidence is sufficient to show a refusal by conduct as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(b) is now satisfied.

Regarding item (4), the declaration signed by Mr. Frank H. Foster by S-signature on behalf of the nonsigning inventor in the initial petition was not accepted as the S-signature did not meet the requirements of 37 CFR 1.4(d)(2)(ii), the declaration failed to identify the 37 CFR 1.47(b) applicant, and the declaration failed to state the relationship of the 37 CFR 1.47(b) applicant to the inventor.

In the renewed petition, the 37 CFR 1.47(b) applicant submitted another declaration executed by Mr. Forster by S- signature. The registration number of Mr. Forster is adjacent to the S-signature. The S-signature complies with 37 CFR 1.4(d)(2)(ii). Mr. Foster previously stated that he is authorized to sign on behalf of the assignee. The name of the assignee is listed on the declaration.

This declaration meets the requirements of MPEP 409.03(b)(A) and is in compliance with 37 CFR 1.497(a) and (b). Item (4) of 37 CFR 1.47(b) is also satisfied.

All items of 37 CFR 1.47(b) are complete.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(b) is hereby **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address of record and a notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 March 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 12 January 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Jinseng Jiang
St.-Gallen Ring 132
90431,Nurnberg,
Germany

MAILED

MAR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of
JIANG, Jinseng
U.S. Application No.: 12/530,485
PCT No.: PCT/EP2008/053360
Int. Filing Date: 20 March 2008
Priority Date: 22 March 2007
Attorney's Docket No.: GOTZF 201
For: TEMPERATURE MONITORING FOR CIRCUIT BREAKERS

Dear Mr. Jiang:

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

KREMBLAS & FOSTER
7632 Slate Ridge Blvd.
Reynoldsburg, OH 43068

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22850
OBLON, SPIVAK, MACCLELLAND MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

MAILED

SEP 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CHIBA *et al* :
U.S. Application No.: 12/530,525 :
PCT No.: PCT/JP2008/054036 :
Int. Filing Date: 06 March 2008 :
Priority Date: 09 March 2007 :
Attorney's Docket No.: 348008US0XPCT :
For: PUMP-EQUIPPED CONTAINER AND :
DUPLEX DISCHARGE CONTAINER :

DECISION

This is a decision on the response filed 19 July 2011.

BACKGROUND

On 08 January 2010, applicants filed an executed declaration and ADS. The third named inventor was listed as Junko KIKKAWA on the declaration. The inventor was listed as Junko YOSHIKAWA in the international application. There is no record of a name change pursuant to PCT Rule 92*bis* in the international publication.

On 07 July 2011, a communication was mailed requesting clarification on the name difference. Applicants were given two months to respond.

On 19 July 2011, applicants filed the subject response.

DISCUSSION

In the subject response, applicants' state that a notification that the change in the last name of the inventor listed in the declaration was the "result of a typographical or transliteration error" was provided on 08 January 2011. However, this notification was misidentified as a "Transmittal Letter" in by the Office.

A review of the subject application verifies that an explanation of the change in name was submitted on 08 January 2011. This paper has been changed in the USPTO system to "Miscellaneous Incoming Letter."

Section 1893.01(e) of the Manual of Patent Examining Procedure (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. In such case, the Office should simply be notified of the error.

Applicants' explanation meets the requirements of the MPEP.

CONCLUSION

For the reasons discussed above, the declaration filed 08 January 2010 is deemed to be in compliance with 37 CFR 1.497(a) and (b). No petition is required.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APR 19 2011

PCT LEGAL ADMINISTRATION

BARNES & THORNBURG LLP
1717 Pennsylvania Ave. NW
SUITE 500
WASHINGTON DC 20006-4623

In re Application of
AALTONEN, Janne, et al.
Application No.: 12/530,570
PCT No.: PCT/FI2007/050131
Int. Filing Date: 09 March 2007
Priority Date: None
Docket No.: 45230-47757
For: METHOD AND APPARATUS FOR CONTROLLING USER COMMUNICATIONS

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 20 August 2010.

BACKGROUND

On 20 January 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 20 August 2010, applicants filed this petition under 37 CFR 1.47(a), accompanied by a declaration of the inventors and the fee for a five month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(g), (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 satisfied. The balance of the $200 petition fee will be charged to deposit account no. 10-1010, as authorized. Applicant states the last known address of Mr. Timo Ahopelto as Myllytie 6 B 8, Helsinki 00140, Finland and of Mr. Ismo Antikainen as Omenaitie 29, Masala 02430, Finland. The declaration complies with 37 CFR 1.47.

Item (2) has not been satisfied. Applicants have not supplied copies of documentary evidence, including copies of the documents sent to the inventors, copies of receipts or evidence that the last known addresses of the inventors are still their current addresses. MPEP 409.03(d).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
BRENTNALL, et al	:	
Application No. 12/530,581	:	DECISION ON PETITION
Filed: July 2, 2010	:	TO WITHDRAW
Attorney Docket No. 669042000100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 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 requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Jonathan Bockman on behalf of the attorneys of record associated with Customer No. 25227.

The attorneys of record associated with Customer No. 25227 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PAUL WYATT BRENTNALL
APRIL COTTAGE
HAUGHUST HILL
TADLEY RG26 5JR GB

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/530,581	07/02/2010	Paul Wyatt Brentnall	669042000100

CONFIRMATION NO. 2232

POWER OF ATTORNEY NOTICE

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

OC000000053050382

Date Mailed: 03/09/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

1 6 SEP 2010

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United States Patent and Trademark Office
Washington, D.C. 20231
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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of	:	
TUREK, et al.	:	DECISION ON PETITION
Serial No.: 12/530,587	:	
PCT No.: PCT/EP2008/002286	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 March 2008	:	
Priority Date: 29 March 2007	:	
Atty Docket No.: 16056.38	:	
For: COOKING OVEN AND METHOD FOR	:	
OPERATING THE SAME	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 19 July 2010 in the United States Patent and Trademark Office (USPTO) and supplemented on 20 July 2010.

BACKGROUND

On 20 March 2008, applicant filed international application PCT/EP2008/002286 which claimed priority to a previous application filed 29 March 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 29 September 2009.

On 09 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and a declaration signed by six of the seven inventors listed on the published international application.

On 20 January 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 19 July 2010, applicant filed the present petition under 37 CFR 1.47(a).

On 20 July 2010, applicant supplemented the petition and included a petition for a four-month extension of time. With payment of the four-month extension of time fee, applicant's present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 and 3.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case it appears from the declaration of Mr. Jurgen Hochmuth (item #3) and the English translation of the cover letter mailed to inventor Schlup that the inventor was merely presented with a combined declaration and power of attorney form and an assignment. As shown above, this is insufficient. In addition, applicant states that the mailing was sent to the last known address of the inventor via "Deutsche Post." It is not clear if this is regular mail or if applicant has some proof of receipt by the inventor.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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/

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Washington, D.C. 20231
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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

MAILED

APR 01 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
TUREK, et al.	:	DECISION ON PETITION
Serial No.: 12/530,587	:	
PCT No.: PCT/EP2008/002286	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 March 2008	:	
Priority Date: 29 March 2007	:	
Atty Docket No.: 16056.38	:	
For: COOKING OVEN AND METHOD FOR OPERATING THE SAME	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 09 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 September 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 09 March 2011, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the extension of time fee. The renewed petition is timely filed.

DISCUSSION

As detailed in the decision mailed 16 September 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

A review of the application file finds that a compliant 37 CFR 1.47(a) combined declaration and power of attorney was filed on 09 September 2009.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 20 March 2008 under 35 U.S.C. 363, and will be given a date of **09 September 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Stefan Schlup
Nordstr. 21
8750 GLARUS
SWITZERLAND

MAILED

APR 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
TUREK, et al.
Serial No.: 12/530,587
PCT No.: PCT/EP2008/002286
Int. Filing Date: 20 March 2008
Priority Date: 29 March 2007
Atty Docket No.: 16056.38
For: COOKING OVEN AND METHOD FOR OPERATING THE SAME

Dear Mr. Schlup:

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:
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111
UNITED STATES OF AMERICA

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

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AUG 08 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
TUREK, et al.	:	DECISION ON PETITION
Serial No.: 12/530,587	:	
PCT No.: PCT/EP2008/002286	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 March 2008	:	
Priority Date: 29 March 2007	:	
Atty Docket No.: 16056.38	:	
For: COOKING OVEN AND METHOD FOR	:	
OPERATING THE SAME	:	

On 31 March 2001, applicant was mailed a decision granting applicant's petition under 37 CFR 1.47 to proceed absent the signature of joint inventor Stefan Schlup.

On 28 June 2011, applicant filed the present request under 37 CFR 1.47 and 37 CFR 1.63 accompanied by a declaration executed by the previously nonsigning inventor.

The renewed petition under 37 CFR 1.47(a) dismissed as moot.

Applicant is advised that once a petition under 37 CFR 1.47 is granted an additional petition to add any nonsigning inventor(s) is not required. Applicant need merely provide the office with a compliant declaration executed by the nonsigning inventor(s). In the present case, a review of the declaration finds that it does not comply with 37 CFR 1.497 in that the declaration singed by Mr. Schlup does not list the other inventors on the application.

This application is being forwarded to the appropriate group art unit for examination. Applicant may file a compliant declaration signed by Mr. Schlup in response to this decision. As stated above, no further petition or fee is required.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OCT 14 2011

PCT LEGAL ADMINISTRATION

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of	:	
TUREK, et al.	:	DECISION ON PETITION
Serial No.: 12/530,587	:	
PCT No.: PCT/EP2008/002286	:	UNDER 37 CFR 1.181
Int. Filing Date: 20 March 2008	:	
Priority Date: 29 March 2007	:	
Atty Docket No.: 16056.38	:	
For: COOKING OVEN AND METHOD FOR	:	
OPERATING THE SAME	:	

This is a decision on applicant's "RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.181" filed 12 September 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 01 April 2011, applicant was mailed a decision granting applicant's petition under 37 CFR 1.47 to proceed without the signature of joint inventor Stefan Schlup.

On 26 April 2011, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 09 September 2009.

On 28 June 2011, applicant filed a paper requesting "entry under 37 CFR 1.47(a) of the enclosed, executed Declaration" which had been signed by the previously non-signing inventor Mr. Schlup.

On 08 August 2011, applicant was mailed a decision dismissing applicant's petition as moot. Applicant was advised that no further petition was required but that a review of the declaration filed 28 June 2011 found it to be non-compliant.

On 12 September 2011, applicant filed the renewed petition considered herein to accept the filed declaration. The declaration is in compliance with 37 CFR 1.497(a)-(b) and contains the signatures of all the inventors listed on the published international application. As applicant filed a grantable petition under 37 CFR 1.47(a) on 09 March 2011 perfecting the declaration filed 09 September 2009 the information on the Form PCT/DO/EO/903 mailed 26 April 2011 is valid and no additional form or filing receipt is required.

For the reasons above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to Group Art Unit 3749 for examination.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

23 SEP 2010

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28264
BOND, SCHOENECK & KING, PLLC
One Lincoln Center
Syracuse, NY 13202-1355

In re Application of
JOHANNES *et al*
U.S. Application No.: 12/530,595
PCT No.: PCT/DE2008/000405
Int. Filing Date: 06 March 2008
Priority Date: 06 March 2007
Attorney Docket No.: 173P110
For: VENEER CERAMIC FOR DENTAL RESTORATIONS AND METHOD FOR VENEERING DENTAL RESTORATIONS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 09 September 2009 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have 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.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing 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) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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15 SEP 2010

42015
POTOMAC PATENT GROUP PLLC
P.O. Box 270
Fredericksburg, VA 22404

In re Application of
COLLINS *et al*
U.S. Application No.: 12/530,635
PCT No.: PCT/EP2007/052277
Int. Filing Date: 12 March 2007
Priority Date: None
Attorney Docket No.: 0110-439
For: ARRANGEMENT AND METHOD RELATING TO NETWORK MANAGEMENT

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 22 June 2010.

BACKGROUND

On 27 November 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 22 June 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 surcharge fee; a $200.00 petition fee; a five-month extension and $2,350.00 extension fee; a declaration signed by two inventors; and a statement of facts by Siân Jones with accompanying exhibits A-F.

DISCUSSION

Applicants claim that co-inventor, Samir GHAMRI-DOUDANE, "cannot be located" and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or 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 inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (1) and (4) of 37 CFR 1.47(a) are satisfied in the initial petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants claim that Mr GHAMRI-DOUDANE cannot be located. A review of the evidence presented shows that Ms. Jones sent an email to the last known email address of the nonsigning inventor on 17 September 2009 and received no response. A courier service was used to send a copy of the subject application and declaration to the last known address of Mr GHAMRI-DOUDANE on 26 April 2010. The shipment was returned to sender. Another email was sent on 08 June 2010 to the same email address as before. No response was received.

Section 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.

Applicants have not shown that a diligent effort was made to locate Mr GHAMRI-DOUDANE. There is no evidence that a search of any type was made to locate Mr GHAMRI-DOUDANE. Such attempts could include internet searches for addresses, telephone numbers and email addresses. Contacting former employers and/or co-workers to obtain new contact information for Mr GHAMRI-DOUDANE is also appropriate. These efforts are not extraordinary and are required to show that a diligent effort was made to contact the inventor.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

With regards to item (4) of 37 CFR 1.47(a), applicants provided a declaration signed by two of the three named inventors with the petition. This declaration meets the requirements of section 409.03(a) of the MPEP. However, the declaration does not

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[1] Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is recorded in the petition.

comply with 37 CFR 1.497(a) and (b) as the citizenship information for Mr GHAMRI-DOUDANE was not provided. *See* 37 CFR 1.497(a)(3). Therefore, the declaration is not accepted.

For this reason, item (4) of 37 CFR 1.47(a) is also not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by 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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Fredericksburg, VA 22404

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APR 13 2011

PCT LEGAL ADMINISTRATION

In re Application of
COLLINS *et al*
U.S. Application No.: 12/530,635
PCT No.: PCT/EP2007/052277
Int. Filing Date: 12 March 2007
Priority Date: None
Attorney Docket No.: 0110-439
For: ARRANGEMENT AND METHOD RELATING TO NETWORK MANAGEMENT

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 11 February 2011.

BACKGROUND

On 15 September 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 11 February 2011, applicants filed the subject response which was accompanied by an executed declaration and a three-month extension fee.

DISCUSSION

In the renewed response, applicants have located the missing co-inventor, Samir GHAMRI-DOUDANE, and provided an executed declaration. A review of the declaration shows that it is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 March 2007, under 35

U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 February 2011.

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

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.
12/530,670	09/10/2009	Toshio Matsumoto	14875-0203US1	3399

26161 7590 11/30/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
XIAO, YAN

ART UNIT	PAPER NUMBER
1642	

NOTIFICATION DATE	DELIVERY MODE
11/30/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 30 2011

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of:	:
Matsumoto et al.	:
Serial No.: 12/530,670	: PETITION DECISION
Filed: September 10, 2009	:
Attorney Docket No.: **14875-0203US1**	

This is in response to the petition under 37 CFR § 1.59(b), filed November 22, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 15, 2010 and September 30, 2010, be expunged from the record. It should be noted that the material needing expungement was actually submitted on January 5, 2010, and not January 15, 2010 as stated by applicants. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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UNITED STATES 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.
12/530,677	09/10/2009	Osamu Fukawatase	142850	3454

25944 7590 08/29/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
ROCCA, JOSEPH M

ART UNIT	PAPER NUMBER
3616	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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AUG 2 6 2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re application of	:	**DECISION ON REQUEST TO**
Fukawatase et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/530,677	:	**PROSECUTION HIGHWAY**
Filed: September 10, 2009	:	**PROGRAM AND PETITION**
For: COLUMN-MOUNTED KNEE	:	**TO MAKE SPECIAL UNDER**
AIRBAG DEVICE	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/26/11

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	12530732
Filing Date	01-Jan-0001
First Named Inventor	Soheyl Bahrami
Art Unit	1645
Examiner Name	
Attorney Docket Number	BIO-0100
Title	DIAGNOSIS OF SEPTIC COMPLICATIONS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 92364

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	David W. Clough
Address	77 West Wacker Drive
City	Chicago
State	IL
Postal Code	60601
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Dianoosh Salehi/
Name	Dianoosh Salehi
Registration Number	46352

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 : December 20, 2011

In re Application of :

Soheyl Bahrami

Application No : 12530732

Filed : 01-Jan-0001

Attorney Docket No : BIO-0100

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 December 20, 2011

The request is **APPROVED.**

The request was signed by Dianoosh Salehi (registration no. 46352) on behalf of all attorneys/agents associated with Customer Number 92364 . All attorneys/agents associated with Cusotmer Number 92364 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	David W. Clough
Name2	
Address 1	77 West Wacker Drive
Address 2	
City	Chicago
State	IL
Postal Code	60601
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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United States Patent and Trademark Office
P.O. Box 1450
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24 SEP 2010

Austin Rapp & Hardman
170 South Main Street, Suite 735
Salt Lake City, UT 84101

In re Application of
KOWALSKI, John
Application No.: 12/530,742
PCT No.: PCT/JP2008/055157
Int. Filing Date: 13 March 2008
Priority Date: 14 March 2007
Atty. Docket No.: 4299.2.1
For: SYSTEMS AND METHODS FOR IMPROVING REFERENCE SIGNALS FOR SPATIALLY MULTIPLEXED CELLULAR SYSTEMS

DECISION

This decision is issued in response to applicants' "Request for Corrected Filing Receipt, Corrected Notice of Acceptance of Application under 35 U.S.C. 371 and Request for Refund" filed 26 July 2010. Applicants' request is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 10 September 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; an executed declaration; and a preliminary amendment.

On 19 November 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 19 January 2010, applicants filed a copy of the executed declaration originally filed on 10 September 2009.

On 05 April 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 19 January 2010 and a 35 U.S.C. 371 completion date of 19 January 2010.

On 26 July 2010, applicants filed "Request for Corrected Filing Receipt, Corrected Notice of Acceptance under 35 U.S.C. 371 and Request for Refund."

DISCUSSION

Applicants request a corrected filing date (or 371(c) date) from 19 January 2010 to 10 September 2009. The actual filing date of the present application is the international filing date, i.e., 13 March 2008. (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 reveals that the basic national fee, a copy of the international application, and an executed declaration were filed with the USPTO on 10 September 2009, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 10 September 2009 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 10 September 2009. (See MPEP section 1893.03(b)).

As stated, applicant filed a declaration on 10 September 2009, prior to the expiration of thirty months from the priority date. The surcharge charged to applicant, based as it was on applicant's purported failure to file an oath or declaration within thirty months of the priority date, is not proper. Deposit Account No. 13-0763 will be credited with a refund of $130, as requested.

CONCLUSION

Applicants' request for a corrected filing receipt under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 05 April 2010 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and Official Filing Receipt which identifies a date of 10 September 2009 under 35 U.S.C. 371(c). Thereafter, the application will be forwarded to Art Unit 2611.

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

Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

MAILED
AUG 15 2011
PCT LEGAL ADMINISTRATION

In re Application of :
KUNZ, et al. :
Application No.: 12/530,767 : DECISION
PCT No.: PCT/EP2008/001685 :
Int. Filing Date: 04 March 2008 :
Priority Date: 12 March 2007 :
Attorney's Docket No.: 2903925-165000 :
For: 3-SUBSTITUTED PHENOXYPHENYLAMIDINES:
AND USE THEREOF AS FUNGICIDES :

This decision is issued in response to applicant's petition under 37 CFR1.182 filed 07 July 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 26 March 2010, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903).

On 07 July 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/EP2008/001685. An examination of the originally filed papers finds that although applicant typed PCT/EP2008/001865 as the international application number while electronically filing the above-captioned application, the correct international application number was listed on the PTO-1390 transmittal letter and Application Data Sheet at the time of filing. 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 10 September 2010 and to permit such materials to be treated as having been directed to international application PCT/EP2008/001685.

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/EP2008/001685.

The Form PCT/DO/EO/903 mailed 26 March 2010 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office for further processing; including the mailing of a new 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

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P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of	:	
DAMUDE, Howard G. et al.	:	
Application No. 12/530,839	:	DECISION ON PETITION
Filed: September 11, 2009	:	TO WITHDRAW
Attorney Docket No. **035718/391354**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by W. Murray Spruill on behalf of all attorneys of record who are associated with customer No. 29122. All attorneys/agents associated with the Customer Number 29122 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **E. I. DU PONT DE NEMOURS AND COMPANY**
1007 MARKET STREET
WILMINGTON DE 19898

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.
12/530,858	09/11/2009	Sota Aoki	10672.0007-00000	5076

22852 7590 08/12/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
ARCE, MARLON ALEXANDER

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
08/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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AUG 12 2011

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re application of Aoki et al Application No. 12/530,858 Filed: September 11, 2009 For: TRANSFER ROBOT	: **DECISION ON REQUEST TO** : **PARTICIPATE IN PATENT** : **PROSECUTION HIGHWAY** : **PROGRAM AND PETITION** : **TO MAKE SPECIAL UNDER** : **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 03, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(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 June 03, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/11/11

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/19/11

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 12530865 Patent No.: 7872530

CofC mailroom date: 10/05/11

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 in the drawing 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: _____

_____

_____

_____

_____

2817

SPE **Art Unit**

14 SEP 2010

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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of KUPPUSWAMY et al.	:
Application No.: 12/530,883	: DECISION ON PETITION
PCT No.: PCT/EP08/52023	:
Int. Filing: 19 February 2008	: UNDER 37 CFR 1.47(a)
Priority Date: 12 March 2007	:
Attorney Docket No.: MBP-PT023	:
For: DIGITAL METHOD AND ARRANGEMENT:	
FOR AUTHENTICATING A PERSON	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 20 July 2010, to accept the application without the signature of the joint inventor CHRISTIAN PILZ. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 20 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 20 July 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor CHRISTIAN PILZ, alleging that he refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Item (1) with the payment of the petition fee and Item (4) with the submission of the declaration executed by the joint inventor. Item (3) is satisfied with a

statement of the nonsigning inventor's last known address.

With regard to item (2), applicant submitted the statement of Sandra Schmidt, employee of Voice.Trust AG, assignee. Ms. Schmidt states that on 03 March 2010, she sent a Declaration via email to the nonsigning inventor, asking him to sign the document. According to Ms. Schmidt, on the same date, Mr. Pilz responded by email that he would not sign the Declaration unless he received further payment.

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. *A copy of the application papers should be sent to the last known address of the nonsigning inventor*, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> *Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.* When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

There is no indication in Ms. Schmidt's statement that a complete copy of the application papers including specification, claims and any drawings along with the declaration was presented to the nonsigning inventor for his review and signature. There is no English translation of her email to clearly indicate that these enclosures included a complete copy of the

application papers for the nonsigning inventor's review and signature. Ms. Schmidt only indicates that a declaration was sent to Mr. Pilz for his review and signature. Thus, it cannot be concluded at this time that the nonsigning inventor refuses to sign the application papers. What is required is that the inventor be presented with a complete copy of the application papers for his review. Item 2 is not satisfied.

It is noted that Petitioner attached a copy of the German language emails. However, these emails were not accompanied by their respective English translations. Petitioner is advised that all documents must be submitted in the English language or accompanied by an English language translation.

In sum, Item (2) above is not satisfied. Thus, Petitioner has not satisfied the requirements of 37 CFR 1.47(a). 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
Telephone: (571) 272-3286
Facsimile (571) 272-0459

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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MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of KUPPUSWAMY et al. :
Application No.: 12/530,883 : DECISION ON PETITION
PCT No.: PCT/EP08/52023 :
Int. Filing: 19 February 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 12 March 2007 :
Attorney Docket No.: MBP-PT023 :
For: DIGITAL METHOD AND ARRANGEMENT :
FOR AUTHENTICATING A PERSON :

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 17 February 2011, to accept the application without the signature of the joint inventor CHRISTIAN PILZ. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 20 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 20 July 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor CHRISTIAN PILZ, alleging that he refuses to sign the application. On 14 September 2010, a decision dismissing the petition was mailed to applicant.

DISCUSSION

As previously stated, a petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and Item (4).

With regard to item (2), Petitioner provided the first hand statement of facts of Anja Roxin which indicated that a complete copy of the application papers along with the declaration were presented to the nonsigning inventor for his review and signature via email on 13 January 2011. Mr. Pilz's reply email of 14 January 2011 indicates: "At the moment, I can only ask you for some patience as I firstly have to remedy the present lawsuit together with Michael. As soon as we have cleared up this it should be no problem to sign these documents. Please arrange yourself with Michael in this regard." His statement can be construed that the inventor refuses to sign the application papers in a timely fashion. Thus, it can now be concluded that the nonsigning inventor refuses to sign the application papers. Item 2 is satisfied.

In sum, Items (1) - (4) above are satisfied. Thus, Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 20 July 2010. The application has an international filing date of 19 February 2008 under 35 U.S.C. 363, and a date of 20 July 2010 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

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MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

CHRISTIAN PILZ
SCHLEISSHEIMERSTRASSE 88
80797 MUNCHEN
GERMANY

In re Application of KUPPUSWAMY et al. :
Application No.: 12/530,883 : DECISION ON PETITION
PCT No.: PCT/EP08/52023 :
Int. Filing: 19 February 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 12 March 2007 :
Attorney Docket No.: MBP-PT023 :
For: DIGITAL METHOD AND ARRANGEMENT :
FOR AUTHENTICATING A PERSON :

Dear Mr. Pilz:

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

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
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.
12/530,895	09/11/2009	Satoshi Suzuki	1163-0743PUS1	5335

2292 7590 12/29/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
GHAYOUR, MOHAMMAD H

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
12/29/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
SUZUKI, SATOSHI et al.	:	DECISION ON REQUEST TO
Application No. 12/530,895	:	PARTICIPATE IN PATENT
Filed: September 11, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **1163-0743PUS1**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 24, 2010 and supplemented on December 13, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with items 2-3 and 5 above. The petition does not include a copy of the allowable/patentable claims from JP2009-516158 along with English translation. Also, the petition does not provide any copy of the latest office actions from JP2009-516158 along with English translation.

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.

Any response to this decision must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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.
12/530,954	09/11/2009	Satoshi Takano	347196US6PCTTK	5690

22850 7590 08/20/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
HUG, ERIC J

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
08/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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

AUG 20 2010

CST

In re application of	:	DECISION ON REQUEST TO
Satoshi Takano	:	PARTICIPATE IN PATENT
Serial No. 12/530,954	:	PROSECUTION HIGHWAY
Filed: September 11, 2009	:	PROGRAM AND
For: SHOE PRESS BELT FOR	:	PETITION TO MAKE SPECIAL
MAKING PAPER	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 23, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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18 AUG 2010

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COOLEY LLP
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WASHINGTON DC 20001

In re Application of:	:	
WU, Jay, Jie-Qiang, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/530,964	:	(37 CFR 1.47(a))
PCT No.: PCT/US2008/056569	:	
International Filing Date: 12 March 2008	:	
Priority Date: 12 March 2007	:	
Att. Dkt. No.: VMDI-001/01US (300651-2018)	:	
For: NOVEL AGENTS OF CALCIUM ION	:	
CHANNEL MODULATORS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47 Regarding Co-Applicant Jian-Xin Guo Who Cannot Be Reached" filed 01 July 2010, considered herein under 37 CFR 1.47(a). Applicants have paid the required petition fee.

BACKGROUND

On 12 March 2008, applicants filed international application PCT/US2008/056569. The international application claimed a priority date of 12 March 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 12 September 2009.

On 11 September 2009, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the basic national fee.

On 01 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 01 July 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response includes payment of the required surcharge, declarations executed by two of the three inventors of record, and the "Petition Under 37 CFR 1.47 Regarding Co-Applicant Jian-Xin Guo Who Cannot Be Reached" considered herein. The petition requests acceptance of the declaration filed herein without the signature of non-signing co-inventor Jian-Xin GUO, whom applicants assert cannot be reached.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) for acceptance of a declaration executed by some, but not all, of the inventors of record must include: (1) the applicable petition fee; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition includes a statement of the last-known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors of record, and the declarations include an unsigned signature block for the non-signing inventor. These declarations may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) sets forth the requirements for a showing that a non-signing inventor cannot be located after diligent effort:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The present petition asserts that a signature request, accompanied by a copy of the complete application, was forwarded to the last known address of the non-signing inventor via Federal Express, and that the correspondence was returned as undeliverable. However, a firsthand statement with appropriate supporting documents has not been provided to confirm such correspondence (it is not clear whether the person signing the petition is the person who forwarded the signature request to the inventor). Moreover, an unsuccessful mailing to the inventor's last known address, on its own, is not sufficient to demonstrate a diligent effort to locate the inventor. A firsthand statement, with supporting documents, setting forth the details of

additional efforts made to obtain current contact information for the non-signing inventor and contact him at such current address, including, but not limited to, an internet search (with the results of such search being made of record herein) is required before it can be concluded that the non-signing inventor cannot be located after diligent effort.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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ATTN: Patent Group
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777 - 6th Street, NW
WASHINGTON DC 20001

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NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of:
WU, Jay, Jie-Qiang, et al.
U.S. Application No.: 12/530,964
PCT No.: PCT/US2008/056569
International Filing Date: 12 March 2008
Priority Date: 12 March 2007
Att. Dkt. No.: VMDI-001/01US (300651-2018)
For: NOVEL AGENTS OF CALCIUM ION CHANNEL MODULATORS

DECISION ON RENEWED PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. § 1.47(a) Regarding Co-Applicant Jian-Xin Guo Who Cannot Be Reached" filed 18 October 2010. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 18 August 2010. The decision dismissed without prejudice the petition under 37 CFR 1.47(a), finding that applicants had failed to satisfy all requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventor had refused to execute the application or could not be located after diligent effort.

On 18 October 2010, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes supplemental materials providing a firsthand description of efforts made to locate the non-signing inventor, including performing an internet search and following up on the information obtained through the internet search. These materials, in combination with those previously submitted, provide an acceptable showing that the non-signing inventor cannot be located after diligent effort.

In view of the above, applicants have now satisfied the final requirements 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 non-signing inventor Jian-Xin GUO.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 July 2010.

/RichardMRoss/

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Jian-Xin GUO
1301 West 24th Street, Suite D19
Lawrence, Kansas 66046

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NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of: WU, Jay, Jie-Qiang, et al.
U.S. Application No.: 12/530,964
PCT No.: PCT/US2008/056569
International Filing Date: 12 March 2008
Priority Date: 12 March 2007
Attorney Docket. No.: VMDI-001/01US (300651-2018)
For: NOVEL AGENTS OF CALCIUM ION CHANNEL MODULATORS

Dear Jian-Xin GUO:

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.

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Counsel Of Record:
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3 1 AUG 2010

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ORLANDO FL 32802-3791

In re Application of	:	DECISION ON
DI IORIO	:	
Application No.: 12/530,969	:	PETITION UNDER
PCT No.: PCT/EP2007/002141	:	
Int. Filing Date: 12 March 2007	:	37 CFR § 1.47(b)
Priority Date: None	:	
Attorney Docket No.: 53835(06-MAR-427)	:	
For: METHOD AND APPARATUS FOR	:	
DETECTING POSSIBLE CORRELATIONS	:	
BETWEEN SIGNAL PATTERNS	:	

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 09 August 2010. The petition is **GRANTED**.

BACKGROUND

On 12 March 2007, applicant filed international application PCT/EP2007/002141, which designated the US and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 September 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 September 2009 (12 September 2009 being a Saturday).

On 11 September 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 19 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 the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 19 April 2010, applicant submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a declaration of

the inventor, a statement of facts by Claude Dardanne with documents in support thereof, and a "DECLARATION OF REFUSAL TO EXECUTE AN APPLICATION" signed by non-signing inventor Paolo DI IORIO.

On 08 June 2010, a decision was issued dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 09 August 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(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 June 2010, items (1), (3), (4), (5), and (6) have been met.

Item (2) has been met as well. The decision issued 08 June 2010 stated that it was not clear if the term "application papers" as used in the statement of facts by Claude Dardanne and the "declaration of refusal" by non-signing inventor Paolo DI IORIO included the specification, claims, and drawings. The renewed petition indicates that the term as used in these two documents does include the specification, claims, and drawings. Additionally, the decision issued 08 June 2010 stated that it was not clear whether Mr. Dardanne was the person who presented Mr. DI IORIO with the application papers. As noted in the renewed petition, the "declaration of refusal" by Mr. DI IORIO is sufficient.

CONCLUSION

For the above reasons, applicants' 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 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 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 **19 April 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

3 1 AUG 2010

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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Paolo Di Iorio
Via Enrico Fermi, 20
1-81020 San Nicole La Strada
ITALY

In re Application of
DI IORIO
Application No.: 12/530,969
PCT No.: PCT/EP2007/002141
Int. Filing Date: 12 March 2007
Priority Date: None
Attorney Docket No.: 53835(06-MAR-427)
For: METHOD AND APPARATUS FOR DETECTING POSSIBLE CORRELATIONS BETWEEN SIGNAL PATTERNS

Dear Mr. Di Iorio:

You are named as an 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. 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/

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APR 13 2011

PCT LEGAL ADMINISTRATION

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:	:	DECISION
LAPIDOT, Dror	:	
U.S. Application No.: 12/530,973	:	ON
PCT No.: PCT/IL2008/000339	:	
International Filing Date: 12 March 2008	:	PETITION
Priority Date: 12 March 2007	:	
Attorney Docket No.: 142909	:	UNDER
For: METHOD AND SYSTEM FOR	:	
DETECTING MOTORIZED OBJECTS	:	37 CFR 1.47(b)

This decision is issued in response to the "Petition Under 37 CFR 1.47(b) For Acceptance Of An Application" filed on 25 June 2010 and "Supplemental Petition Under 37 CFR 1.47(b)" filed on 19 November 2010. Petitioner has submitted $130 as the petition fee; however, the applicable petition fee is $200. Deposit Account No. 15-0461 will be charged the additional $70 required to complete the petition fee.

BACKGROUND

On 12 March 2008, applicant filed international application PCT/IL2008/000339. The application claimed a priority date of 12 March 2007, and it designated the United States. On 18 September 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent & Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 12 September 2009.

On 11 September 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 25 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) which required oath or declaration to be submitted along with $130 surcharge for late submission of the oath or declaration.

On 25 June 2010, petitioner filed the "Petition Under 37 CFR 1.47(b) For Acceptance Of An Application" considered herein. The petition requests acceptance of the application without

the signature of the sole inventor of record, whom petitioner asserts has refused to execute the application.

On 19 November 2010, the petitioner filed "Supplemental Petition Under 37 CFR 1.47(b)" as a supplement to the petition filed on 25 June 2010. The supplemental petition has been considered herein.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has submitted $130 of the required $200 petition fee and authorized a charge to Deposit Account No. 15-0461 for any required fees, pursuant to which the Deposit Account will be charged the additional $70 required to complete the petition fee. Item (1) is therefore satisfied.

Regarding item (2), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." Petitioner here has submitted statements from Ehud Hausman and Dikla Borochov, with supporting documents that provide an acceptable showing that non-signing inventor has refused to execute the declaration. Item (2) is therefore satisfied.

Regarding item (3), the petition includes an express statement of the last known addresses of the non-signing inventors. Item (3) is therefore satisfied.

Regarding item (4), the petition was accompanied by a declaration executed on behalf of the non-signing inventor by Jacob Tzlil, identified on the declaration as the Research and Development Manager of Elta Systems, Ltd. (Elta). The accompanying petition includes a statement from counsel indicating that the signer is "an authorized representative of Elta Systems, Ltd." In view of the statement in the petition, this declaration is accepted as having been executed by 37 CFR 1.47(b) applicant Elta. (through its authorized representative Jacob Tzlil) on behalf of and as agent for the non-signing inventor, Dror LAPIDOT. Item (4) is therefore satisfied.

Regarding item (5), the petition includes declarations of Jacob Tzlil which provide firsthand confirmation that the invention underlying the present application was invented during the course of the inventor's employment with Elta as part of his ordinary duties for Elta. This

statement provides an acceptable showing of Elta's proprietary interest in the present application. Item (5) is therefore satisfied.

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.

Based on the above, petitioner has satisfied all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The petition under 37 CFR 1.47(b) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Dror LAPIDOT.

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 19 November 2010.

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

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ISRAEL

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APR 13 2011
PCT LEGAL ADMINISTRATION

In re Application of:
LAPIDOT, Dror
U.S. Application No.: 12/530,973
PCT No.: PCT/IL2008/000339
International Filing Date: 12 March 2008
Priority Date: 12 March 2007
Attorney Docket No.: 142909
For: METHOD AND SYSTEM FOR DETECTING MOTORIZED OBJECTS

Dear Mr. LAPIDOT:

You are identified as the inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Harry C. Kim
PCT Special Programs Examiner
Office of PCT Legal Administration
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Counsel Of Record:
Counsel Of Record:
Ryan M. Crockett
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13 AUG 2010

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COMMISSIONER FOR PATENTS
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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

In re Application of LARSEN et al	:	
U.S. Application No.: 12/531,028	:	
PCT Application No.: PCT/EP2008/052863	:	
Int. Filing Date: 11 March 2008	:	DECISION
Priority Date Claimed: 12 March 2007	:	
Attorney Docket No.: 15755.0025USWO	:	
For: AN ANTI-DIABETIC EXTRACT OF HONEYBUSH	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 06 July 2010.

BACKGROUND

On 11 March 2008, applicant filed international application PCT/EP2008/052863, which claimed priority of an earlier United States application filed 12 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 September 2008. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2009.

On 11 September 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 January 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 July 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 inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Peter Larsen refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a copy of the application papers to Larsen for signature and that Larsen received such papers. Although the petition includes a copy of a cover letter that was purportedly sent to Larsen's attorney (see Exhibit A), an affidavit signed by Henrik Orsnes has not been provided. As stated in MPEP 409.03(d), the circumstances of the presentation of the application papers must be specified in a statement of facts by the person who presented the inventor with the

application papers. Furthermore, there is no documentary evidence that Larsen's attorney received the correspondence. As stated in MPEP 409.03(d), 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. Until it is shown that Larsen or his attorney received the application papers, it would not be reasonable to conclude that Larsen's failure to respond to the letter constitutes a constructive refusal to cooperate.

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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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MAILED
NOV 09 2010
PCT LEGAL ADMINISTRATION

In re Application of LARSEN et al	:	
U.S. Application No.: 12/531,028	:	
PCT Application No.: PCT/EP2008/052863	:	
Int. Filing Date: 11 March 2008	:	DECISION
Priority Date Claimed: 12 March 2007	:	
Attorney Docket No.: 15755.0025USWO	:	
For: AN ANTI-DIABETIC EXTRACT OF HONEYBUSH	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 22 September 2010.

BACKGROUND

On 11 March 2008, applicant filed international application PCT/EP2008/052863, which claimed priority of an earlier United States application filed 12 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 September 2008. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2009.

On 11 September 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 January 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 July 2010, applicant filed a petition under 37 CFR 1.47(a).

On 13 August 2010, this Office mailed a decision dismissing the 06 July 2010 petition.

On 22 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 Peter Larsen 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 Larsen for signature and that Larsen received such papers (see affidavit of

Henrik Ørsnes, ¶3(c)). Furthermore, the petition sufficiently illustrates that Larsen refuses to sign. In particular, Larsen's failure to respond to the letter sent to his attorney constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Larsen 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 11 March 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 July 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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Peter Mose Larsen
Valmuemarken 16
Odense S, DK-5260
DENMARK

MAILED
NOV 09 2010
PCT LEGAL ADMINISTRATION

In re Application of LARSEN et al
U.S. Application No.: 12/531,028
PCT Application No.: PCT/EP2008/052863
Int. Filing Date: 11 March 2008
Priority Date Claimed: 12 March 2007
For: AN ANTI-DIABETIC EXTRACT OF HONEYBUSH

Dear Peter Mose Larsen:

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

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903
Attorney Docket No.: 15755.0025USWO

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Minneapolis MN 55402-0903

MAILED

APR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
LARSEN *et al*
U.S. Application No.: 12/531,035
PCT No.: PCT/EP2008/052861
Int. Filing Date: 11 March 2008
Priority Date: 12 March 2007
Attorney Docket No.: 15755.0024USWO
For: AN ANTI-DIABETIC EXTRACT OF ROOIBOS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 26 April 2010.

BACKGROUND

On 25 November 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 26 April 2010, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a $130.00 surcharge fee; a $200.00 petition fee; a three-month extension fee of $1,110.00; a declaration signed on behalf of the nonsigning inventor; a declaration of Henrik Egede Ørsnes; and documentary evidence in support of the petition (Exhibits A - H).

DISCUSSION

Applicants claim that co-inventor, Peter Mose LARSEN, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or 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.

Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is listed in the petition. A declaration signed by three of the four

named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of MPEP § 409.03(a)(A).

Therefore, items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2) of 37 CFR 1.47(a), applicants provided a statement of facts by Mr. Ørsnes detailing the steps taken to obtain the cooperation of Mr. LARSEN. Mr. Ørsnes states that a complete copy of the subject application and a declaration were accepted by the nonsigning inventor on 05 January 2010. However, the declaration provided to Mr. LARSEN contained the statement "This Combined Declaration and Power of Attorney has been signed by one of the following inventors on behalf of the non-signing inventor, Peter Mose Larsen."

Mr. LARSEN sent a letter to Mr. Ørsnes on 12 January 2010 complaining about this statement[1] on the declaration. Mr. Ørsnes sent a new declaration to Mr. LARSEN on 15 January 2010. Mr. Ørsnes claims that this document was received by Mr. LARSEN on the same day. A receipt in a foreign language was provided as Exhibit H. Mr. Ørsnes states that no response has been received from Mr. LARSEN as of 13 April 2010. Applicants claim that the non-responsiveness of Mr. LARSEN constitutes a refusal to cooperate.

A review of the evidence shows that Mr. LARSEN received a complete copy of the subject application on 05 January 2010. *See* Exhibits A, D. However, the declaration provided was defective as it contained a statement that Mr. LARSEN had already refused to cooperate. *See* Exhibits B. The 37 CFR 1.47(a) applicants claim that Mr. LARSEN was provided with another declaration on 15 January 2010 removing the inappropriate language noted above. But the evidence showing delivery of these documents is in a foreign language without an accompanying English translation. The Office does not accept documents in a foreign language as evidence without an accompanying English translation. As such, the 37 CFR 1.47(a) applicants have not shown that Mr. LARSEN has been presented with an appropriate declaration.

Item (2) of 37 CFR 1.47(a) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions

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[1] A letter was sent to the Office via facsimile by Mr. LARSEN on 15 January 2010. Follow-up letters from Mr. LARSEN were received on 25 January 2010 and 04 February 2010. The Office did not respond to these letters.

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

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Minneapolis MN 55402-0903

MAILED

JUL 20 2011

PCT LEGAL ADMINISTRATION

In re Application of
LARSEN *et al*
U.S. Application No.: 12/531,035
PCT No.: PCT/EP2008/052861
Int. Filing Date: 11 March 2008
Priority Date: 12 March 2007
Attorney Docket No.: 15755.0024USWO
For: AN ANTI-DIABETIC EXTRACT OF ROOIBOS

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 17 May 2011.

BACKGROUND

On 11 April 2011, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 17 May 2011, applicants filed the subject response which was accompanied by, *inter alia*, an English translation of a courier receipt.

DISCUSSION

Applicants claim that co-inventor, Peter Mose LARSEN, refuses to cooperate.

Items (1), (3) and (4) of 37 CFR 1.47(a) were satisfied in the initial petition; however, item (2) of 37 CFR 1.47(a) was deemed not complete.

Applicants were requested to provide an English language translation of the courier receipt submitted in the initial petition as Exhibit H.

With the instant response, applicants have provided the English translation of the courier receipt as requested. Applicants also point out that Mr. Orsnes states that the receipt was signed for by Mr. LARSEN in paragraph 5 of his declaration.

A review of the evidence presented shows that the documents mailed 15 January 2010 were delivered to the last known address of Mr. LARSEN and signed for

(by someone)[1] at that address.

The failure of Mr. LARSEN to respond after receiving a complete copy of the subject application on 05 January 2010 and a proper declaration on 15 January 2010 constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP.

Accordingly, 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 11 March 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 26 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

[1] The signature on the courier receipt is illegible. There is also no explanation as to how Mr. Ørsnes knew that the documents were signed for Mr. LARSEN as he had no firsthand knowledge of this fact. Nonetheless, the documents mailed to the same address on 05 January 2010 were received by Mr. LARSEN. Therefore, it is presumed that Mr. LARSEN received the documents filed 15 January 2010.

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Valmuemarken 16,
5260 Odense S.
Denmark

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re Application of
LARSEN *et al*
U.S. Application No.: 12/531,035
PCT No.: PCT/EP2008/052861
Int. Filing Date: 11 March 2008
Priority Date: 12 March 2007
Attorney Docket No.: 15755.0024USWO
For: AN ANTI-DIABETIC EXTRACT OF ROOIBOS

Dear Mr Larsen:

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/531,048	09/11/2009	Chi Wai Chow	7B203.005US1	6367

69713 7590 08/04/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER
VANDERPUYE, KENNETH N

ART UNIT	PAPER NUMBER
2613	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	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):

INFO@ORTPATENT.COM

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	**: DECISION ON REQUEST TO**
CHOW et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/531,048	**: PROSECUTION HIGHWAY**
Filed: 11 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 7B203.005US1	**: TO MAKE SPECIAL UNDER**
For: OPTICAL COMMUNICATION SYSTEM	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 21 July 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), (3-5) and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (6) and (7).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Written Opinion (PCT/ISA/237).

Regarding the requirement of condition (7), applicant has failed to submit copies of the documents cited by the PCT examiner in the international work product.

Regarding the requirement of condition (2), it cannot be determined if requirement (2) has been met since requirement (6) has not been met.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

Attorney Docket No.: 7B203-005US1
Client Ref. No.: 10404US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Chi Wai Chow et al.	Art Unit	: 2613
Serial No.	: 12/531,048	Examiner	: Vanderpuye, Kenneth
Filed	: September 11, 2009	Conf. No.	: 6367
Title	: AN OPTICAL COMMUNICATION SYSTEM		

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Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Applicant's attorney appreciates the helpful discussion with Lee Young regarding the status of the petition.

As best understood, the International Bureau did not provided the references cited in the international search report as part of the national stage entry under §371 of this application. Accordingly, Applicant provides those references herewith, together with a copy of the written opinion.

As shown in the written opinion, all claims were deemed by the international examiner to be patentable. No observations were made in Box VIII.

The present application does not claim priority from the European application but instead claims priority directly from the Irish application by way of the PCT application. Accordingly, this petition should be treated as a petition under the PTO/PCT PPH program.

In view of the foregoing, and in response to the notice mailed on August 4, 2011, a response to which is due by September 4, 2011, Applicant requests that renewal of the petition.

Please apply any charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 7B203-005US1.

Respectfully submitted,

Date: August 26, 2011

Faustino A. Lichauco
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/531,048	09/11/2009	Chi Wai Chow	7B203.005US1	6367

69713 7590 09/14/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER
LEUNG, WAI LUN

ART UNIT	PAPER NUMBER
2613	

NOTIFICATION DATE	DELIVERY MODE
09/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	**: DECISION ON REQUEST TO**
CHOW et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/531,048	**: PROSECUTION HIGHWAY**
Filed: 11 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 7B203.005US1	**: TO MAKE SPECIAL UNDER**
For: OPTICAL COMMUNICATION SYSTEM	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 21 July 2011 and renewed on 26 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED
OCT 22 2010
OFFICE OF PETITIONS

In re Application of Hyong-Suk Kim Application No. 12/531,090 Filed: September 14, 2009 Attorney Docket No. 052983/379397	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. *See* **Change In Procedure For Requests To Withdraw From Representation In A Patent Application 1329 OG 99 (April 8, 2008).**

Further, 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.***

A review of USPTO records reveals that Choi, Sung-Yong is an assignee of 50% interest and M-Biz Global Company Limited is an assignee of 50% interest. The combination of all partial assignees with ownership interest is required to conduct prosecution of an application. Petitioner has again requested dual correspondence to include both assignees. Petitioner should be aware that dual correspondence with an applicant and his or her attorney, or with two representatives, will not be undertaken. See MPEP § 403.01, § 403.02, and § 714.01(d). Therefore, the request is considered improper. Petitioner must submit one correspondence address. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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:	12/531,181	Filing date:	09-14-2009
First Named Inventor:	Yaron TANNE		
Title of the Invention:	SYSTEM AND METHOD FOR TRACKING AN ELECTRONIC 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/IL2008/000414

The international date of the corresponding PCT application(s) is/are: March 26, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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.:	12/531,181
First Named Inventor:	Yaron TANNE

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 14, 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 September 14, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
4	4	
7	7	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
17	17	
18	18	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Michael Kondoudis/	Date 02/03/2011
Name (Print/Typed) Michael Kondoudis	Registration Number 42758

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.
12/531,181	09/14/2009	Yaron Tanne	1400.0113	7522

75485 7590 03/25/2011
The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington, DC 20006

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
03/25/2011	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):

rlynn@mekiplaw.com
elee@mekiplaw.com

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Alexandria, VA 22313-1450
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The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington DC 20006

In re Application of	:	
TANNE, YARON	:	DECISION ON REQUEST TO
Application No. 12/531,181	:	PARTICIPATE IN PATENT
Filed: September 14, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **1400.0113**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 3, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 22 2011

PCT LEGAL ADMINISTRATION

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

In re Application of SETERNES et al.	:	DECISION ON
Application No.: 12/531,203	:	
PCT No.: PCT/US09/03295	:	WITHDRAWAL OF
Int. Filing: 29 May 2009	:	
Priority Date: 30 May 2008	:	HOLDING OF ABANDONMENT
Attorney Docket No.: SP08-142A	:	
For: PHOTOVOLTAIC GLASS LAMINATED	:	UNDER 37 CFR 1.181
ARTICLES AND LAYERED ARTICLES	:	

This is a decision on applicant's "Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)", filed in the US Patent and Trademark Office (USPTO) on 27 July 2011. No petition fee is required.

BACKGROUND

On 29 May 2009, applicant filed an international application PCT/US09/03295, which claimed a priority date of 30 May 2008. Thus, the thirty month period was set to expire on 30 November 2011.

On 14 September 2009, applicant 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 18 July 2011, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to provide a copy of the international application by the 30 month period.

On 27 July 2011, applicant filed the present petition requesting that the USPTO withdraw the holding of abandonment as the applicant had timely filed the request for entry into the U.S.

National stage.

DISCUSSION

The Notification of Abandonment indicated that the application was abandoned for failure to provide a copy of the international application by 30 months. The requirement to file a copy of the international application, in compliance with 35 U.S.C. 371(c) is not required as the application was filed in the United States Receiving Office. Thus, the 18 July 2011 Notification of Abandonment was mailed in error and is hereby **VACATED**.

CONCLUSION

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The 18 July 2011 Notification of Abandonment is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing531203.

/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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/531,251	09/14/2009	Masaki Miyamoto	Q115100	7878

23373 7590 01/20/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
01/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@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	:	
MIYAMOTO, MASAKI et al	:	DECISION ON REQUEST TO
Application No. 12/531,251	:	PARTICIPATE IN PATENT
Filed: September 14, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. Q115100	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 5 above.

Regarding item 5, a statement that the English translation of the office action from the JPO application containing the allowable/patentable claims is accurate has not been submitted.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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UNITED STATES 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.
12/531,251	09/14/2009	Masaki Miyamoto	Q115100	7878

23373 7590 02/16/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
02/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
MIYAMOTO, MASAKI et al	:	DECISION ON REQUEST TO
Application No. 12/531,251	:	PARTICIPATE IN PATENT
Filed: September 14, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. Q115100	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 04, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must 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.

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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MAILED
DEC 08 2011
PCT LEGAL ADMINISTRATION

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of HAKONARSON, et al. U.S. Application No.: 12/531,257 PCT No.: PCT/US2008/056864 Int. Filing Date: 13 March 2008 Priority Date: 13 March 2007 Atty Docket No.: 3460-P04295US02 For: GENETIC ALTERATIONS ON CHROMOSOME 12 AND METHODS OF USE THEREOF FOR THE DIAGNOSIS AND TREATMENT OF TYPE 1 DIABETES	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This decision is in response to applicant's petition to add an inventor filed 25 March 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 March 2008, applicant filed international application PCT/US2008/056864 which claimed priority to a previous application filed 13 March 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 13 September 2009.

On 14 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 25 January 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $65.00 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 25 March 2010, applicant filed the present petition including a declaration.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 13 March 2008 and will be given a date of **25 March 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 for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EXXONMOBILE UPSTREAM RESEARCH COMPANY
P.O. BOX 2189
(CORP-URC-SW 359)
HOUSTON, TX 77252-2189

MAILED
JAN 20 2011
OFFICE OF PETITIONS

Applicant: Neelamani, et al.
Appl. No.: 12/531,271
International Filing Date: March 19, 2008
Title: SEPARATION AND NOISE REMOVAL FOR MULTIPLE VIBRATORY SOURCE SEISMIC DATA
Attorney Docket No.: 2007EM115
Pub. No.: US 2010/0097888 A1
Pub. Date: April 22, 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 three of the inventors' names have been omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein three of the inventor's name was omitted may be an 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 does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The Declarations submitted by applicant on September 14, 2009 are defective. 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 (by combining the signature pages). See MPEP 201.03(II)(B) and MPEP 605.04(a). The first Declaration list two inventors and the second Declaration lists three inventors.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

MAILED
APR 20 2011
PCT LEGAL ADMINISTRATION

In re Application of
HAKONARSON et al.
Application No.: 12/531,272
PCT No.: PCT/US2008/056869
Int. Filing Date: 13 March 2008
Priority Date: 13 March 2007
Attorney Docket No.: 3460-P04295US03
For: GENETIC ALTERATIONS ON CHROMOSOME 16 AND METHODS OF USE THEREOF FOR THE DIAGNOSIS AND TREATMENT OF TYPE 1 DIABETES

DECISION ON REQUEST

This decision is issued in response to applicants' "Response to Notification of Defective Response" dated 26 March 2010 treated herein as a Petition under 37 CFR 1.497(d).

BACKGROUND

On 13 March 2008, applicants filed international application PCT/US2008/056869 which claimed a priority date of 13 March 2007. The international application named: Hakon Hakonarson, Stuart F.A. Grant, and Johnathan P. Bradfield as applicants/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 14 September 2009. (13 September 2009 was a Sunday.)

On 14 September 2009, applicants filed a transmittal letter 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 18 November 2009, the United Stated Designated/Elected Office 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 10 December 2009, applicants filed a declaration executed by: Hakon Hakonarson, Stuart F.A. Grant, Johnathan P. Bradfield, and Constatin Polychronakos.

On 26 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 was defective because Constatin Polychronakos was not listed on the international application.

On 26 March 2010, applicants filed a "Response to Notification of Defective Response."

DISCUSSION

Applicants request to add Constatin Polychronakos as inventor 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 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 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); 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).

Applicants have satisfied items (1), (2), and (3).

Regarding item (4), applicants submitted a document entitled "Consent By Assignee for Amendment of Inventorship under Rule 1.497" considered herein. This document states that the assignee consents to the addition of Constatin Polychronakos as an inventor 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 37CFR 3.73(b)(2). Specifically, the person (Dr. Ellen Purpus) signing the "Consent By Assignee for Amendment of Inventorship under Rule 1.497" does not have apparent authority to act on behalf of the assignee or states that she is authorized to act on behalf of the assignee.

The inventors of record remain the inventors named on the international application.

CONCLUSION

Applicant's request to add Constatin Polychronakos under 37 CFR 1.497(d) is DISMISSED without prejudice.

Applicants 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

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	12531285
Filing Date	14-Sep-2009
First Named Inventor	Mohsen Saadat
Art Unit	3652
Examiner Name	PAUL CHIN
Attorney Docket Number	AP231-09
Title	GRIPPER MECHANISM WITH SPLIT DRIVESHAFT FOR A GRIPPING FINGER

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 29689

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	Fereshteh Saadat
Address	Rodingerweg 8H
City	Soest
State	
Postal Code	DE-59494
Country	DE

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/David A Guerra/
Name	David A Guerra
Registration Number	46443

UNITED STATES 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 4, 2012

In re Application of :

Mohsen Saadat

Application No : 12531285

Filed : 14-Sep-2009

Attorney Docket No : AP231-09

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 4, 2012

The request is **APPROVED.**

The request was signed by David A Guerra (registration no. 46443) on behalf of all attorneys/agents associated with Customer Number 29689 . All attorneys/agents associated with Cusotmer Number 29689 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	Fereshteh Saadat
Name2	
Address 1	Rodingerweg 8H
Address 2	
City	Soest
State	
Postal Code	DE-59494
Country	DE

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUL 25 2011

PCT LEGAL ADMINISTRATION

Heather Alisha Davis
IP Management Systems, LLC
P.O. Box 74
Newton Falls, OH 44444

In re Application of
DAVIS
Application No.: 12/531,307
PCT No.: PCT/US2008/057169
Int. Filing Date: 14 March 2008
Priority Date: 14 March 2007
Atty. Docket No.: HAD-102 _US
For: WIRELESS DIRECTORY UNIT AND SYSTEM WITH CDMA TRANSFER AND SIM STORAGE METHOD

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 May 2011 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 an executed declaration of the inventor and payment of outstanding fees. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 2,2011

In re Application of :

Heather Davis

Application No : 12531307

Filed: 25-May-2011

Attorney Docket No : HAD-102_US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed August 2,2011

The request is **APPROVED**

The request was signed by Dwight A. Stauffer (registration no. 47963) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name	Heather Alisha Davis
Name2	
Address 1	P.O. Box 74
Address 2	
City	Newton Falls
State	OH
Postal Code	44444
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	12531307
Filing Date	25-May-2011
First Named Inventor	Heather Davis
Art Unit	2614
Examiner Name	
Attorney Docket Number	HAD-102_US
Title	WIRELESS DIRECTORY UNIT AND SYSTEM WITH CDMA TRANSFER AND SIM STORAGE METHOD

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

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	Heather Alisha Davis
Address	P.O. Box 74
City	Newton Falls
State	OH
Postal Code	44444

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Dwight A. Stauffer/
Name	Dwight A. Stauffer
Registration Number	47963

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	12531446
Filing Date	15-Sep-2009
First Named Inventor	Louis Kapicak
Art Unit	1622
Examiner Name	YATE CUTLIFF
Attorney Docket Number	GEIN-107
Title	BIODIESEL PROCESS AND CATALYST THEREFOR

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 42419

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	David James SCHRECK
Address	504 South Lakeshore Drive
City	Lake City
State	MN
Postal Code	55041

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Nick C. Kottis/
Name	Nick C. Kottis
Registration Number	31974

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 7, 2012

In re Application of :

Louis Kapicak

Application No : 12531446

Filed : 15-Sep-2009

Attorney Docket No : GEIN-107

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 7, 2012

The request is **APPROVED.**

The request was signed by Nick C. Kottis (registration no. 31974) on behalf of all attorneys/agents associated with Customer Number 42419 . All attorneys/agents associated with Cusotmer Number 42419 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	David James SCHRECK
Name2	
Address 1	504 South Lakeshore Drive
Address 2	
City	Lake City
State	MN
Postal Code	55041
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/531,452	01/19/2010	Myoung-Hwan Oh	3570-110	9822

6449 7590 11/07/2011
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER
WOOD, JARED M

ART UNIT	PAPER NUMBER
1731	

NOTIFICATION DATE	DELIVERY MODE
11/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.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

BC

11/7/11

In re application of Myoung-Hwan Oh et al. Serial No. 12/531,452 Filed: September 15, 2009 Attorney Docket No: 3570-110	: : : : : :	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 and the petition under 37 CFR 1.102(a) to make the above-identified application special filed July 21, 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 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

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.
12/531,468	09/15/2009	Fulvio Boldrini	20545-0598	9971

7590 08/09/2011
SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS, IA 52406

EXAMINER
MAYES, DIONNE WALLS

ART UNIT	PAPER NUMBER
1747	

NOTIFICATION DATE	DELIVERY MODE
08/09/2011	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

AUG 22 2011

PCT LEGAL ADMINISTRATION

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of	:	
SHIRAKAWA, et al.	:	
Application No.: 12/531,507	:	DECISION
PCT No.: PCT/JP2008/055815	:	
Int. Filing Date: 19 March 2008	:	
Priority Date: 19 March 2007	:	
Attorney's Docket No.: NANJP0113US	:	
For: ORAL VACCINE	:	

This decision is issued in response to applicant's petition under 37 CFR 1.182 filed 27 July 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 28 June 2011, applicant was mailed a communication detailing the discrepancy between international application number entered during the electronic filing of the application and other filing papers such as the declaration and preliminary amendment. Applicant was afforded two months to file a response.

On 27 July 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/JP2008/055815. An examination of the originally filed papers finds that the correct international application number was listed on the declaration and preliminary amendment filed 16 September 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 16 September 2009 and to permit such materials to be treated as having been directed to international application PCT/JP2008/055815.

As to applicant's request for refund of the petition fee, it is not possible to refund this fee. As it was not clear from the initial filing of the application papers whether applicant sought national stage entry of PCT/JP2008/055815 or PCT/JP2003/055815 a petition under 37 CFR 1.182 was required.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

Applicant's request for refund is **DENIED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/JP2008/055815.

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.
12/531,530	09/16/2009	Yasushi Hayashi	MNL-2018-2358	1669

7590 01/28/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
HAILEY, PATRICIA L

ART UNIT	PAPER NUMBER
1732	

MAIL DATE	DELIVERY MODE
01/28/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

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
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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.
12/531,533	09/16/2009	Yasushi Hayashi	MNL-2018-2366	1701

7590 12/28/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
NGUYEN, COLETTE B

ART UNIT	PAPER NUMBER
1732	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

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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.

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Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/531,574	09/16/2009	Masaya Yamamoto	12699/146	1966

23838 7590 09/15/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
HOLMES, JUSTIN

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
09/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 1 5 2011

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of	:	**DECISION ON REQUEST TO**
Masaya Yamamoto	:	**PARTICIPATE IN PATENT**
Application No. 12/531,574	:	**PROSECUTION HIGHWAY**
Filed: September 16, 2009	:	**PROGRAM AND PETITION**
For: VEHICLE AND CONTROL METHOD	:	**TO MAKE SPECIAL UNDER**
OF VEHICLE	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 09, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed on August 09, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 09/15/11

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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KF ROSS PC
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX, NY 10471-0900

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of
Jacques Peyrot, et al.
Application No. 12/531,577
Filed: September 16, 2009
Attorney Docket No. 24680

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed October 19, 2010, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes the required doctor's statement from applicant Jacques Peyrot's physician. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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 3775 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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BIB DATA SHEET

CONFIRMATION NO. 1395

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/531,637	09/16/2009 **RULE**	714	2114	00 7651 US

APPLICANTS

Catalin-Bogdan Visan, Bucharest, ROMANIA;
Cosmin Ionescu, Bucharest, ROMANIA;
Eric Barrau, Sevres, FRANCE;

**** CONTINUING DATA ****************************

This application is a 371 of PCT/IB08/51018 03/18/2008

**** FOREIGN APPLICATIONS ****************************

INTERNATIONAL BUREAU OF THE WORLD INTELL PCT/IB2008/051018 03/18/2008
EUROPEAN PATENT OFFICE (EPO) 07290352.9 03/22/2007

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

01/11/2010

		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed ☑ Yes ☐ No 35 USC 119(a-d) conditions met ☑ Yes ☐ No Verified and Acknowledged /SARAI E BUTLER/ Examiner's Signature	☐ Met after Allowance Initials	ROMANIA	3	32	2

ADDRESS

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303
UNITED STATES

TITLE

ERROR DETECTION

FILING FEE RECEIVED		
1604	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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MAILED

DEC 13 2010

PCT LEGAL ADMINISTRATION

YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

In re Application of	:	
GNIESMER	:	
Application No.: 12/531,753	:	DECISION on
PCT No.: PCT/EP08/02323	:	
Int. Filing Date:22 March 2008	:	PETITION UNDER
Priority Date: 21 April 2007	:	
Attorney Docket No.: KSK-128-A	:	37 CFR 1.181
For: LOAD-OPTIMIZED INTERIOR OF A PISTON	:	

This is a decision on applicant's "Petition under 37 CFR 1.181" filed in the above identified application 24 June 2010.

On 17 September 2009, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee. The transmittal letter indicated that a copy of the international application was filed; however, applicant failed to include a copy of the drawings for international application PCT/EP08/02323.

On 19 January 2010, a Notification of Acceptance (Form PTO/DO/EO/903) was mailed to applicant, indicating that all the requirements of 35 U.S.C. 371(c)(a), (c)(2) and (c)(4) were met on 17 September 2009.

On 24 June 2010, applicant filed a petition under 37 CFR 1.181 stating that the drawings which were part of the published international application were not submitted with the original filing. Applicant requests the entry of these drawing sheets into the application file.

Pursuant to 35 U.S.C. 371, a copy of the international application from the International Bureau is required for entry into the U.S. National stage. In the instant case, a copy of the international application including drawings was provided via the International Bureau's published pamphlet. This includes the five pages of drawings associated with PCT/EP08/02323. The drawings were submitted to the United States as a Designated/Elected Office as a part of the published international application on 30 October 2008. A copy of the these drawings (pages

1/5-5/5) are a part of the above referenced application and are part of the application file. Drawing sheets 1/5 through 5/5 will be scanned into the Image File Wrapper (IFW) for this application.

Applicant's petition under 37 CFR 1.181 requesting acceptance of the drawings filed in PCT/EP08/02323 is **GRANTED**.

The application will be forwarded to Art Unit 3783 for examination in due course.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286