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30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

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JUL 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Boo-Sung Hwang	:	DECISION ON PETITION
Application No. 12/592,637	:	TO WITHDRAW
Filed: November 30, 2009	:	FROM RECORD
Attorney Docket No. **6342/81121**	:	

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

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' by Customer Number when the power of attorney was originally granted individually in the Declaration and Power of Attorney filed March 1, 2010.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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NEW YORK NY 10112

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JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Boo-Sung Hwang :
Application No. 12/592,637 :
Filed: November 30, 2009 :
Attorney Docket No. **6342/81121** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a corrected decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 27, 2011.

The request is **APPROVED**.

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

The request was signed by Norman H. Zivin on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn.

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

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Boo-Sung Hwang at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Boo-Sung Hwang
402 New Sun-kyung Plaza 146-1 lmae 2 dong
Bun-dang gu
Seong-nam si, Kyung-ki do Rep. of Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,637	11/30/2009	Boo-Sung Hwang	6342/81121

CONFIRMATION NO. 8664

POWER OF ATTORNEY NOTICE

OC000000048836382

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

Date Mailed: 07/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/27/2011.

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

/jlburke/

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

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IVAN DAVID ZITKOVSKY PH.D PC
5 MILITIA DRIVE
LEXINGTON MA 02421

MAILED

MAR 22 2012

OFFICE OF PETITIONS

In re Application of	:	
Chance	:	
Application No. 12/592,638	:	DECISION
Filed/Deposited: 30 November, 2009	:	
Attorney Docket No. N2-45US4	:	

This is a decision on the papers filed on 14 February, 2012, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 2 June, 2011, with reply due absent extension of time (request and fee) on or before 2 2 September, 2011.

The application went abandoned by operation of law after midnight 2 September, 2011.

The Office mailed the Notice of Abandonment on 12 December, 2011.

On 14 February, 2012, Petitioner submitted a petition (over a 10 February,2012, certificate of mailing) pursuant to 37 C.F.R. §1.181 to withdraw the holding of abandonment, averring timely

reply on 7 December, 2011 (over a 2 December, 2011, certificate of mailing) with an amendment and a request and fee/fee authorization for extension of time, and in support of the averment provided a copy of the request and fee/fee authorization—the amendment now viewable in the image file wrapper. What appears to have happened is that:

- Petitioner averred on deposit of the reply the submission of a check in the amount of $635.00 for the extension of time (and authorization to charge a deposit account for any deficiency), however, what was enclosed with the submission was not one check in the amount of $635.00, but two checks each in the amount of $180,00, for a total of $360.00; and

- The Office later charged the deficiency to Petitioner's deposit account as authorized.

The confusion created by Petitioner's erroneous averment on submission of the reply and the request for extension of time seemed to have prompted a determination in the Technology Center/AU docketing desk as to the untimeliness of the reply. In any case, Petitioner made the documentary and narrative showings set forth in the guidance in the Commentary at MPEP §711.03(c)(I) to support, *inter alia*, the averment of having timely and properly submitted the request and fee/fee authorization for extension of time with his reply in the form of an amendment.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

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[1] *See*: MPEP §711.03(c) (I)(B).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

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[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted**, and the 12 December, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 3737 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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SHERR & VAUGHN PLLC
620 HERNDON PARKWAY
SUITE 320
HERNDON VA 20170

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FEB 09 2012

OFFICE OF PETITIONS

In re Application of	:	DECISION
Char, et al.	:	ON PETITION
Application No. 12/592,647	:	
Filed: December 1, 2009	:	
Attorney Docket Number: 582-0007	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 1, 2009, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

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

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2814.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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J.E. MCTAGGART, U.S. PATENT AGENT
6650 CRESCENT STREET, SUITE 4
VENTURA, CA 93003

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of
Jackson L. CRISP
Application No. 12/592,653
Filed: December 1, 2009
Attorney Docket No. **0045-00117-01**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 21, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **J.E. MCTAGGART** has been revoked by the applicant of the patent application on August 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **GOFF PATENT LAW, PLLC**
P.O. BOX 625
BRUSH PRAIRIE, WA 98606

UNITED STATES PATENT AND TRADEMARK OFFICE

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DUANE MORRIS LLP - San Diego
101 WEST BROADWAY
SUITE 900
SAN DIEGO CA 92101-8285

MAILED
SEP 14 2010
OFFICE OF PETITIONS

In re Application of Becker et al. :
Application No. 12/592,668 : Decision on Petition
Filing Date: November 30, 2009 :
Attorney Docket No. E3697-00147 :

This is a decision in response to the petition filed March 11, 2010. The petition will treated as a petition under 37 CFR 1.53(e)(2), which is filed in the alternative under 37 CFR 1.57.

The petition under 37 CFR 1.53(e)(2) is **granted**.

The petition under 37 CFR 1.57 is **dismissed as moot**.

Application papers were filed November 30, 2009.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on January 11, 2010. The notice stated drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

In response, the present petition was filed. Petitioner alleges 18 sheets of drawings were filed as part of the original application papers.

The USPTO file for this application does not contain the 18 sheets of drawings that the petition alleges were filed with the original application papers. However, the petition is accompanied by a postcard receipt acknowledging receipt of "Drawings (18 pgs)" on November 30, 2009.[1] Therefore, the Office is persuaded the 18 sheets of drawings were part of the originally filed application but were later misplaced by the Office.

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The petition fee of $400 has been credited back to Deposit Account No. 04-1679.

Consideration of the petition under 37 CFR 1.57 is unnecessary since relief has been accorded under 37 CFR 1.53(e)(2). Therefore, the petition under 37 CFR 1.57 is dismissed as moot.

The Office of Patent Application Processing will be informed of the instant decision will process the application with a filing date of November 30, 2009, using the papers filed on November 30, 2009, and the 18 sheets of drawings filed March 11, 2010. The instant decision should not be interpreted to preclude the Office of Patent Application Processing from requiring replacement drawings, if appropriate, as a result of the quality of the drawings filed March 11, 2010.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ROBERT F. FRIJOUF, ESQUIRE
FRIJOUF RUST & PYLE, P.A.
201 EAST DAVIS BOULEVARD
TAMPA FL 33606

In re Application of	:	
Nathaniel R. QUICK	:	
Application No. 12/592,695	:	DECISION ON PETITION
Filing Date: December 01, 2009	:	
Attorney Docket No. 2009-0250	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed December 22, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath/declaration and fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of December 22, 2009 is accepted as having been unintentionally delayed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of
Anthony W. ULWICK
Application No. 12/592,715
Filed: November 30, 2009
Attorney Docket No. **69390-8007.US02**

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **PERKINS COIE, LLP** has been revoked by the assignee of the patent application on October 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**
390 LYTTON AVENUE
PALO ALTO, CA 94301

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ENGENE E. RENZ, JR., PC
205 N. MONROE STREET
MEDIA, PA 19063

MAILED

OCT 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas **MASON, Jr.**	:	DECISION ON PETITION
Application No. 12/592,756	:	
Deposited: February 25, 2010	:	
For: **METHOD AND APPARATUS FOR AUTOMATED STORAGE AND RETREIVAL OF MINIATURE SHELF KEEPING UNIT**	:	

This is a decision on the communication requesting that the above-identified application be accorded a filing date of December 2, 2009. The request has been considered under 37 CFR 1.57(a).

The petition is **GRANTED**.

On December 2, 2009, the instant application was deposited without a specification, oath, claims, drawings and abstract. Accordingly, on December 28, 2009, the Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without a specification, oath, claims, abstract and also had presented informal drawings. A two month period for reply was set. Petitioner responded on February 25, 2010.

Petitioners admit that the specification, oath, claims, and abstract were inadvertently omitted from the application papers filed on December 2, 2009, but state that this application contains a claim for benefit under 35 U.S.C. § 120 of prior filed application 10/319,159, filed on December 13, 2002, which contains all of the inadvertently omitted papers, including the specification. Petitioner indicates that a preliminary amendment to the specification states that the instant application claims the benefits from a commonly owned co-pending application. Relying on §1.57(a), applicants state that the omitted papers were effectively incorporated by reference. Petitioner therefore requested that a new filing receipt be issued showing a filing date of December 2, 2009.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ...
> § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The Petitioner's communication filed December 2, 2009 included a preliminary amendment stating that this application claims benefit from the co-pending and commonly owned Patent Application No. 10/319, 159 filed December 13, 2002, which claims the benefit from provisional patent application number 60/340,284 which was filed December 13, 2001, the entire disclosure of which is incorporated by reference herein.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment dated December 2, 2009 will be entered in due course.

The petition fee required under 37 CFR 1.57(a) has been charged to petitioner's Deposit Account No.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Eugene E. Renz, Jr., appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of December 2, 2009, and for further processing, using the application papers received in the Office on that date and the specification, claims, abstract and drawings submitted February 25, 2010. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to the undersigned at 571-272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/592,779	12/02/2009	Takehiro Abeta	4041J-001625/US	1939

27572 7590 10/11/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
WOO, KUO-KONG

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	
Takehiro ABETA	**: DECISION ON REQUEST TO**
Application No.: 12/592,779	**: PARTICIPATE IN THE PATENT**
Filed: 02 December 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 4041J-001625/US	**: PROGRAM AND PETITION**
For: IN-VEHICLE APPARATUS	**: TO MAKE SPECIAL UNDER**
HAVING HANDSFREE FUNCTION	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 September 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 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/592,780	12/02/2009	Takehiro Abeta	4041J-001624/US	6037

7590 12/30/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
URBAN, EDWARD F

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
12/30/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Harris

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/592,781	12/02/2009	Kazuyoshi Azuma	4041J-001623/US	5584

27572 7590 10/11/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
WOO, KUO-KONG

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	
Kazuyoshi AZUMA	**: DECISION ON REQUEST TO**
Application No.: 12/592,781	**: PARTICIPATE IN THE PATENT**
Filed: 02 December 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 4041J-001623/US	**: PROGRAM AND PETITION**
For: IN-VEHICLE APPARATUS	**: TO MAKE SPECIAL UNDER**
HAVING HANDSFREE FUNCTION	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 08 September 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 2600

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MAILED

JUL 14 2011

OFFICE OF PETITIONS

Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York NY 10112

In re Application of	:	
Boo-Sung Hwang	:	
Application No. 12/592,849	:	DECISION ON PETITION
Filed: November 30, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/81120	:	FROM RECORD

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Norman H. Zivin, on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Boo-Sung Swang
402 New Sun-kyung Plaza
146-1 Imae 2 dong, Bun-dang gu
Seo-nam si, Kyung-ki do
Republic of Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,849	12/03/2009	Boo-Sung Hwang	6342/81122

CONFIRMATION NO. 4692

POWER OF ATTORNEY NOTICE

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

OC000000048696630

Date Mailed: 07/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/27/2011.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
New York, NY 10112

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Boo-Sung Hwang	:	
Application No. 12/592,851	:	DECISION ON PETITION
Filed: December 3, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/81119	:	FROM RECORD
	:	

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Norman H. Zivin on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Boo-Sung Hwang at the address indicated below.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Boo-Sung Hwang**
402 New Sun-kyung Plaza
146-1 Imae 2 dong, Bun-dang gu
Seong-nam si, Kyung-ki do
Republic of Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,851	12/03/2009	Boo-Sung Hwang	6342/81119

CONFIRMATION NO. 6229

POWER OF ATTORNEY NOTICE

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

OC000000048757447

Date Mailed: 07/14/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/01/2011.

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

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 3 0 2012
OFFICE OF PETITIONS

I. ZBOROVSKY
3 COURTYARD CIRCLE
CENTERPORT NY 11721

In re Application of	:	
JENKINS, et al	:	
Application No. 12/592,875	:	DECISION ON PETITION
Filed: December 3, 2009	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 2012.

The request is **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 the certifications indicated above.

The request to withdraw from record cannot be approved because the request does not include a change of correspondence address. 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.

Further, the request dated February 13, 2012, cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/83 (Request to Withdraw as Attorney or Agent)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

I. ZBOROVSKY
16 BANTRY CT
HUNTINGTON NY 11743

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Lo et al.	:	
Application No. 12/592,877	:	DECISION ON PETITION
Filed: December 3, 2009	:	
Title: Products With Water Clusters	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 31, 2009 and the Notice of Incomplete Reply (Nonprovisional) mailed June 7, 2010. The original Notice set a period for reply of two (2) months from the mail date of the Notice. A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on June 2, 2010. A Notice of Abandonment was mailed December 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement Drawings (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/
Joan Olszewski
Petition Examiner
Office of Petitions

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: EE029	Application Number (if known): 12/592,889	Filing date: 12-04-2009
First Named Inventor: MARV DARGATZ		
Title: MOUNTING RAIL AND POWER DISTRIBUTION SYSTEM FOR USE IN A PHOTOVOLTAIC 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: STATEMENTS OF SPECIAL STATUS

Signature /RAYMOND R. MOSER, JR./	Date NOVEMBER 19, 2010
Name (Print/Typed) RAYMOND R. MOSER, JR.	Registration Number 34,682

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/592,889	12/04/2009	Marv Dargatz	EE029	3764

54698 7590 11/30/2010
RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY, NJ 07702

EXAMINER	
ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
11/30/2010	PAPER

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

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

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RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

In re Application of	:	
Marv DARGATZ	:	DECISION ON PETITION
Application No. 12/592,889	:	TO MAKE SPECIAL UNDER
Filed: December 4, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. EE029	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2835 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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EXXONMOBIL RESEARCH AND ENGINEERING COMPANY
P.O. BOX 900
ANNANDALE NJ 08801-0900

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of
Carol A. BARNES, et al
Application No. 12/592,922
Filed: December 4, 2009
Attorney Docket No. GPK-0913

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 30, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly signed declaration, a substitute specification and the required fees; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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

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

cc: DEREK M. KATO
1545 ROUTE 22 EAST
ANNANDALE, NJ 08801-0900

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PETER F WEINBERG
GIBSON DUNN AND CRUTCHER LLP
SUITE 4200
1801 CALIFORNIA STREET
DENVER CO 80202

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of Gary D. Broxson Application No. 12/592,938 Filed: December 4, 2009 Attorney Docket No. 73523-000011	: : : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 18, 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. 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 Peter F. Weinberg on behalf of all attorneys/agents associated with customer number 22334. All attorneys/agents associated with customer number 22334 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Gary Broxson
32803 Carrier Drive
Lillian, AL 36549

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/592,938	12/04/2009	Gary D. Broxson	73523-00001-1

CONFIRMATION NO. 7806

POWER OF ATTORNEY NOTICE

OC000000052310349

22334
PETER F WEINBERG
GIBSON DUNN AND CRUTCHER LLP
SUITE 4200
1801 CALIFORNIA STREET
DENVER, CO 80202

Date Mailed: 01/31/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/18/2012.

- 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.

/kainabinet/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/593,041	01/05/2010	Fredrik P. Marmsater	02020.039US1	3219

64483 7590 07/28/2011
VIKSNINS HARRIS & PADYS PLLP
P.O. BOX 111098
ST. PAUL, MN 55111-1098

EXAMINER
ROZOF, TIMOTHY R

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
07/28/2011	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):

mmccullough@VHPGLOBALIP.COM
docketing@arraybiopharma.com
jmesser@arrabiopharma.com

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VIKSNINS HARRIS & PADYS PLLP
P.O. BOX 111098
ST. PAUL MN 55111-1098

In re Application of:	:
Marmsater et al.	: PETITION DECISION
Serial No.: 12/593,041	:
Filed: March 27, 2008	:
Attorney Docket No.: **02020.039US1**	

This is in response to the petition under 37 CFR § 1.181, filed June 30, 2011, requesting that the amendment after final of April 18, 2011 be entered.

BACKGROUND

On October 6, 2010, the examiner mailed a non-final Office action setting a three month statutory limit for reply. At the time of this Office action, claims 1-21 were pending and claims 24-27 were withdrawn from consideration. Claims 1-21 were rejected. Claims 1-21 were rejected under 35 USC 112, first paragraph, as non-enabling. Claims 1-21 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Barth et al. in view of Bilodeau et al.

On January 16, 2011, applicants filed arguments traversing the examiner's rejections instituted in the non-final Office action of October 6, 2010.

On February 18, 2011, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this Office action, claims 1-21 were pending and claims 24-27 were withdrawn from consideration. Claims 1-21 were again rejected. Claims 1-21 were again rejected under 35 USC 112, first paragraph, as non-enabling. Claims 1-21 were again rejected under 35 U.S.C. 103 (a) as being unpatentable over Barth et al. in view of Bilodeau et al.

On April 18, 2011, applicants submitted an after final amendment including claim amendments.

On May 5, 2011, the examiner mailed to applicants an advisory action indicating that the after final amendment of April 18, 2011 would not be entered for purposes of appeal due to new issues requiring further consideration and/or search.

On June 30, 2011, applicants submitted the petition under consideration herein.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition, applicants argue "As noted on page 9 of the response filed on April 18, 2011, Claim 1 was amended to recite the elements previously recited in dependent claims 16-20, and claims 16-20 were concurrently canceled. Entry of this amendment would not have expanded the scope of the claims. Accordingly, if a proper search and examination of the pending claims (including dependent claims 16-20) had been conducted prior to the preparation of the final office action, entry of the proposed amendments would not have required any additional searching or further consideration by the Examiner; the subject matter of dependent claims 16-20 would have already been fully searched and considered (C.F.R. § 1.104(b)). Thus, the grounds put forth by the Examiner for refusing to enter the amendment filed 18 April 2011 are not valid."

Applicants' argument is well-taken and found persuasive that the after final amendment of April 18, 2011 was improperly denied consideration and entry because applicants amending claim 1 to incorporate therein the limitations of claims 16-20 would not have necessitated a new rejection as these limitation were previously under consideration by the examiner.

DECISION

The petition is **GRANTED.** The advisory action mailed May 5, 2011, indicating that the after final amendment of April 18, 2011 would not be entered is hereby **VACATED**.

The application will be forwarded to the examiner for consideration of the amendment after final wherein the examiner will consider whether to allow the application or prepare a new advisory action indicating that the after final amendment of April 18, 2011 will be entered but the application still not allowed.

Should there be any questions about this decision please contact Quality Assurance Specialist 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.

George C. Elliott, for

Jacqueline Stone
Director, Technology Center 1600

08 SEP 2010

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of PHILIPPI, et al. U.S. Application No.: 12/593,077 PCT No.: PCT/EP2008/054378 Int. Filing Date: 10 April 2008 Priority Date: 10 April 2007 Attorney Docket No.: 55601-005US1 For: HUMAN DIABETES SUSCEPTIBILITY TNFRSF10A GENE	DECISION ON PETITIONS UNDER 37 CFR 1.47(a)

This decision is issued in response to applicant's renewed petition under 37 CFR 1.47(a) filed 02 July 2010 in the United States Patent and Trademark Office (USPTO)

BACKGROUND

On 23 June 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 02 July 2010, applicant filed the petitions considered herein.

On 02 August 2010, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903).

DISCUSSION

As detailed in the decision mailed 23 June 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 present renewed petition and accompanying exhibits, applicant has satisfied the remaining two items and it is proper to grant applicant's petition at this time.

It is noted that the Form PCT/DO/EO/903 was mailed in error and it hereby **VACATED**.

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 27 February 2007 under 35 U.S.C. 363, and will be given a date of **02 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 inventor at her last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

08 SEP 2010

Ms. Anne Philippi
8, rue du Prieure
77310 Saint Fargeau Pnthierry
FRANCE

In re Application of
PHILIPPI, et al.
U.S. Application No.: 12/593,077
PCT No.: PCT/EP2008/054378
Int. Filing Date: 10 April 2008
Priority Date: 10 April 2007
Attorney Docket No.: 55601-005US1
For: HUMAN DIABETES SUSCEPTIBILITY TNFRSF10A GENE

Dear Ms. Philippi:

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:
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138
United States of America

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Anne Philippi et al.	:	
Application No. 12/593,077	:	DECISION ON PETITION
Filed: September 25, 2009	:	
Attorney Docket No. 55601-005US1	:	

This is a decision on the petition under 37 CFR 1.59(b), filed June 3, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that several papers belonging to an International Application, filed on September 25, 2009, be expunged from the record.

The petition is deficient because there is no statement that:

(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.

Petitioner is directed to MPEP 724.05(II) and (III).

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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10 FAWCETT STREET
CAMBRIDGE MA 02138

MAILED
SEP 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Anne Philippi et al.	:	CORRECTED
Application No. 12/593,077	:	DECISION ON PETITION
Filed: September 25, 2009	:	
Attorney Docket No. 55601-005US1	:	

This is a corrected decision on the petition under 37 CFR 1.59(b), filed June 3, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that several papers belonging to an International Application, filed on September 25, 2009, be expunged from the record.

However, 37 CFR 1.59(a)(2) states:

> Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

The papers to be expunged include a specification, drawings, claims and abstract and as such, constitute an original disclosure. Accordingly, the papers forming an international application will not be expunged from the record pursuant to 37 CFR 1.59(b) even though it was mistakenly filed. Moreover, petitioner has not established that an extraordinary situation exits in which justice requires the requested expungement pursuant to a waiver of 37 CFR 1.59(a)(2) under 37 CFR 1.183, as discussed in MPEP 724.05 IV.

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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68072
Scott R. Cox
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 West Jefferson Street
Suite 2100
Louisville, KY 40202

MAILED
OCT 18 2010
PCT LEGAL ADMINISTRATION

In re Application of :
DICK *et al* :
U.S. Application No.: 12/593,085 :
PCT No.: PCT/EP2008/002486 :
Int. Filing Date: 28 March 2008 :
Priority Date: 28 March 2007 :
Attorney Docket No.: P-1487 :
For: DESICCANT CONTAINER AND BLANK FOR FORMING A SLEEVE OF A DESICCANT CONTAINER :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 16 July 2010.

BACKGROUND

On 17 February 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were give two months to respond with extensions of time available under 37 CFR 1.136(a).

On 16 July 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a three-month extension and $1,110.00 extension fee; a $130.00 surcharge fee; a $200.00 petition fee; an executed declaration; a statement of facts by Dr. Jung; and documentary evidence in support of the petition.

On 14 October 2010, applicants filed a supplement to the petition under 37 CFR 1.47(a) which included additional documentary evidence in support of the petition.

DISCUSSION

Applicants claim that joint inventor, Mr. Stephen WILSON, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a) in response to the Form PCT/DO/EO/905 mailed 17 February 2010.

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. A declaration signed by three of the four 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.

For these reasons, items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2) of 37 CFR 1.47(a), Dr. Jung claims that the nonsigning inventor was provided with a copy of a declaration and assignment for the subject application on 11 September 2009. Another letter was sent by courier to the nonsigning inventor on 22 October 2009 with a request that Mr. WILSON sign the declaration and assignment. Mr. WILSON responded by email on 29 October 2009 and "stated that he would not sign either of these documents until he received a meaningful personal reference from either Dr. DICK or Dr. LÄTSCH." Several other emails were provided showing the reluctance of Mr. WILSON to cooperate (one dated 12 November 2009 and one dated 14 January 2010) unless his terms were met.

On 22 April 2010, a complete copy of the subject application was provided to the nonsigning inventor by courier. A response from the attorney for Mr. WILSON (Bruce Coode) dated 14 May 2010 stated that Mr. WILSON received the documents dated 22 April 2010 and reiterated that the nonsigning inventor would not sign any documents unless certain terms (apparently listed in an email dated 15 December 2009 which was not provided, but specified in this letter) were addressed. Mr. Coode provided the 37 CFR 1.47(a) applicant a period of twenty-eight (28) to respond. The 37 CFR 1.47(a) applicants did not agree to meet Mr. WILSON's demands and filed the subject petition on 16 July 2010.

The conduct of Mr. WILSON constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is also satisfied.

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

CONCLUSION

Applicants' 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 28 March 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 16 July 2010.

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stephen Eric Wilson
3 Brook Road
GlenBrook, NSW 2773
Australia

MAILED

OCT 18 2010

PCT LEGAL ADMINISTRATION

In re Application of
DICK *et al*
U.S. Application No.: 12/593,085
PCT No.: PCT/EP2008/002486
Int. Filing Date: 28 March 2008
Priority Date: 28 March 2007
Attorney Docket No.: P-1487
For: DESICCANT CONTAINER AND BLANK FOR FORMING A SLEEVE OF A DESICCANT CONTAINER

Dear Mr Wilson:

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

LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 West Jefferson Street
Suite 2100
Louisville, KY 40202

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/593226	01/15/10	Eran Hirszowicz	027498.0102P3US

DATE MAILED: September 01, 2010

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

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:

- ☒ 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).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (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.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/593,262	03/22/2010	Colin Henry Self	38908-701.831	4697

21971 7590 07/21/2011
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER
NGUYEN, BAO THUY L

ART UNIT	PAPER NUMBER
1641	

MAIL DATE	DELIVERY MODE
07/21/2011	PAPER

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

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

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JUL 21 2011

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

In re Application of	:	DECISION ON REQUEST TO
SELF ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/593,262	:	PROSECUTION HIGHWAY
Filed: March 22, 2010	:	PROGRAM AND PETITION
Attorney Docket No. 38908-701.831	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

(1) The U.S. application 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 with UKIPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with UKIPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with UKIPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The UKIPO application(s) has at least one claim that was determined by UKIPO to be allowable;
(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions (which are relevant to patentability) from each of the UKIPO application(s) containing the allowable claims that are the basis for the request;
(6) Applicant must submit a copy of the allowable claims from the UKIPO application(s);
(7) Applicant must submit a claim correspondence table; and

(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the UKIPO examiner in the UKIPO office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition 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

2 7 AUG 2010

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Intellectual Property / Technology Law
P.O. Box 14329
Research Triangle Park, NC 27709

In re Application of: HERNANDEZ et al.	:	
Application No.: 12/593,312	:	
PCT No.: PCT/EP2008/002482	:	DECISION ON REQUEST
Int. Filing Date: 28 March 2008	:	UNDER
Priority Date: 28 March 2007	:	37 CFR 1.497(d)
Attorney Docket No.: 4280-138	:	and
For: A METHOD FOR THE MANUFACTURE OF NANOPARTICLES ON A CARBON SURFACE AND PRODUCTS THEREFROM	:	37 CFR 1.182

This decision is issued in reply to applicants' "Response to June 7, 2010 Decision on Request and Petition under 37 CFR 1.182, for Correction of Inventorship in U.S. Patent Application no. 12/593,312" filed 06 August 2010, which is being treated as a request under 37 CFR 1.182 and 37 CFR 1.497(d) to correct the inventorship of the present national stage application. The $400 petition fee has been submitted.

BACKGROUND

On 28 March 2008, applicants filed international application PCT/EP2008/002482 which claimed a priority date of 28 March 2007. The published international application identified four applicants/inventors for the United States: Beatriz Hernandez, Horst Weller, Christian Klinke, and Andreas Kornowski. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 September 2009.

On 28 September 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a preliminary amendment; and a copy of the international application.

On 29 January 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 29 March 2010, applicants submitted a declaration executed by Beatriz Hernandez Juarez, Horst Weller, Christian Klinke, Andreas Kornowski; and Mona Nagel.

On 13 April 2010, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 29 March 2010 was defective because it indicated an additional inventor not listed on the published international application. In a decision dated 07 June 2010, applicants' petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 06 August 2010, applicants filed the present petitions.

DISCUSSION

A. Added Inventor

As defined in 37 CAR 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, applicants' request will be treated under 37 CFR 1.497(d). Applicants request to add Mona Nagel 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.

37 CFR 1.497(d) 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, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17;
> >
> > (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.

Applicants' submission satisfies the requirements of 37 CFR 1.497(d). Applicants have submitted a statement from the person (Mona Nagel) being added as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR

1.1497(d)(2) has been submitted. Additionally, the submission included 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). Accordingly, applicants have now satisfied all the requirements to correct the inventorship herein.

B. Name of Inventor (Beatriz Hernandez Juarez)

The published international application identified the first inventor as Beatriz Hernandez. On the declaration filed 29 March 2010, this inventor was identified as Beatriz Hernandez Juarez. With respect to corrections in an inventor's name, section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

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

In this case, the discrepancy in the inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, a petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Applicants' petition includes the required petition fee. Additionally, applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent. Accordingly, applicants' explanation is accepted and noted for the record.

CONCLUSION

The renewed request under 37 CFR 1.497(d) is **GRANTED** and applicants' petition under 37 CFR 1.182 is **GRANTED**.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 28 March 2008 and a date of 29 March 2010 under 35 U.S.C. 371.

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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CLARK HILL PLC
150 NORTH MICHIGAN AVENUE
SUITE 2700
CHICAGO, IL 60601

MAILED
MAY 02 2011
OFFICE OF PETITIONS

Applicant: Wheaton, et al.
Appl. No.: 12/593,349
International Filing Date: March 27, 2008
Title: METHOD OF FUSING THERMOPLASTIC COMPONENTS
Attorney Docket No.: 225/48567
Pub. No.: 2010/0084089 A1
Pub. Date: April 8, 2010

This is a decision on the "Request for Corrected Filing Date on Published Application", received on October 5, 2010, "Request for Corrected Filing Date on Published Application", received on December 6, 2010 and "Second Request for Corrected Filing Date on Published Application", received on March 9, 2011, which are being treated as requests for a corrected patent application publication under 37 CFR 1.221(b), for the above-identified application.

The "Request for Corrected Filing Date on Published Application" are 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 filing date is listed as December 11, 2009 rather than the correct date of November 10, 2009.

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

The request for corrected publication received on October 5, 2010, was not timely filed under 37 CFR 1.221(b).

[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. 12/593,349

The error in the 371(c)(1), (2), (4) date listed on the front page of the publication may be an Office error, but it is not a material mistake in the publication made by the Office under 37 CFR 1.221(b). The filing date of the application is March 27, 2008, which is the international filing date and it was correctly printed on the front page of the publication. The misprinting of the 371(c)(1), (2), (4) date 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, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error does not affect the use of the publication as a reference.

A Filing receipt was mailed on December 29, 2009, which incorrectly listed 371(c) (1), (2) and (4) date. The request for Corrected Filing Receipt received on June 7, 2010 was not received in time to update the information for the pre-grant publication. To avoid this type of problem in the future applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application

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

A 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

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

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

Application No.:	12/593,350-Conf. #5385	Filing Date:	September 28, 2009
First Named Inventor:	Gunnar Russberg		
Attorney Docket No.:	43315-280803		
Title of the Invention:	THERMOMAGNETIC GENERATOR DEVICE AND ENERGY CONVERTING METHOD		

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

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT 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/EP2008/053221

The international date of the corresponding PCT application(s) is/are: March 18, 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.
- [x] 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. 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 October 21, 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 October 21, 2009

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

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

Application No.:	12/593,350-Conf. #5385
First Named Inventor:	Gunnar Russberg

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same except for removal of reference characters and formal language changes
2	2	Same except for removal of reference characters and formal language changes
3	3	Same except for removal of reference characters and formal language changes
4	4	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
5	5	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
6	6	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
7	7	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
8	8	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
9	9	Same except for removal of reference characters and formal language changes
10	10	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
11	11	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
12	12	Same except for formal language changes and removal of multiple dependency
13	13	Same except for formal language changes, removal of multiple dependency, and removal of multiple dependency
14	14	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
15	15	Same except for formal language changes and removal of reference characters
16	16	Same except for formal language changes and removal of multiple dependency
17	17	Same except for removal of reference characters and formal language changes
18	18	Same except for formal language changes and removal of multiple dependency
19	19	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
20	20	Same except for formal language changes and writing in independent form
21	21	cancelled
22	22	Same except for removal of reference characters and formal language change
23	23	new

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

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

Signature	/Eric J. Franklin/	Date	December 3, 2010
Name (Print/Typed)	Eric J. Franklin	Registration Number	37,134

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/593,350	09/28/2009	Gunnar Russberg	43315-280803	5385

26694 7590 01/04/2011
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
KIM, JOHN K

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
01/04/2011	PAPER

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	**: DECISION ON REQUEST TO**
RUSSBERG et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/593,350	**: PROSECUTION HIGHWAY**
Filed: 28 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 43315-280803	**: TO MAKE SPECIAL UNDER**
For: THERMOMAGNETIC GENERATOR DEVICE AND ENERGY CONVERTING METHOD	**: 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 03 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Conditions (1-3), (5), and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (4) and (6).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. PCT claims 1, 4, 5, 8, and 14-22 were not shown to have novelty, inventive step, and industrial applicability.

Regarding the requirement of condition (6), the request for participation in the PCT-PPH indicated that the latest international work product had already been submitted. However, only the International Search Report (ISA 210) is present in the file. The Written Opinion (ISA 237) is not in the file.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
	:	
Gunnar Russberg et al.	:	Attorney Docket No.: 43315-280803
	:	
Application No.: 12/593,350	:	Art Unit: 2834
	:	
Filed: September 28, 2009	:	Examiner: J. Kim

Title: THERMOMAGNETIC GENERATOR DEVICE AND ENERGY CONVERING METHOD

RENEWED REQUEST TO PARTICIPATE IN THE
PATENT PROSECUTION HIGHWAY PROGRAM AND
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(A)

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

Sir:

In response to the decision dated January 4, 2011, Applicants submit a supplemental preliminary amendment presenting only claims indicated to have novelty, inventive step and industrial applicability. Applicants also submit a supplemental information disclosure statement submitting the written opinion.

In the preliminary amendment, Claim 2 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 3 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 6 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 7 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 9 has been amended to incorporate the subject matter of claims 1and

8 as originally filed. Claim 10 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 11 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 13 has been amended to incorporate the subject matter of claim 1 as originally filed. All claims correspond to the subject matter recited in the corresponding numbered claims in the PCT application rewritten in independent form and with reference characters deleted, with formal language changes and/or multiple dependencies removed as indicated in the request submitted December 3, 2010, the entire contents of which are incorporated herein by reference.

Applicants hereby request that the previously submitted request to participate in the patent prosecution highway-PCT program and petition to make the above-identified application special under the PPH-PCT program be granted.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: February 4, 2011

/Eric J. Franklin/
Eric J. Franklin, Reg. No. 37,134
Attorney for Applicant
Venable LLP
575 Seventh Street, NW
Washington, DC 20004
Telephone: 202-344-4936
Facsimile: 202-344-8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
	:	
Gunnar Russberg et al.	:	Attorney Docket No.: 43315-280803
	:	
Application No.: 12/593,350	:	Art Unit: 2834
	:	
Filed: September 28, 2009	:	Examiner: J. Kim

Title: THERMOMAGNETIC GENERATOR DEVICE AND ENERGY CONVERING METHOD

RENEWED REQUEST TO PARTICIPATE IN THE
PATENT PROSECUTION HIGHWAY PROGRAM AND
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(A)

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

Sir:

In response to the decision dated January 4, 2011, Applicants submit a supplemental preliminary amendment presenting only claims indicated to have novelty, inventive step and industrial applicability. Applicants also submit a supplemental information disclosure statement submitting the written opinion.

In the preliminary amendment, Claim 2 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 3 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 6 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 7 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 9 has been amended to incorporate the subject matter of claims 1and

8 as originally filed. Claim 10 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 11 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 13 has been amended to incorporate the subject matter of claim 1 as originally filed. All claims correspond to the subject matter recited in the corresponding numbered claims in the PCT application rewritten in independent form and with reference characters deleted, with formal language changes and/or multiple dependencies removed as indicated in the request submitted December 3, 2010, the entire contents of which are incorporated herein by reference.

Applicants hereby request that the previously submitted request to participate in the patent prosecution highway-PCT program and petition to make the above-identified application special under the PPH-PCT program be granted.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: February 4, 2011

/Eric J. Franklin/
Eric J. Franklin, Reg. No. 37,134
Attorney for Applicant
Venable LLP
575 Seventh Street, NW
Washington, DC 20004
Telephone: 202-344-4936
Facsimile: 202-344-8300

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.
12/593,350	09/28/2009	Gunnar Russberg	43315-280803	5385

26694 7590 04/26/2011
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
JOHNSON, ERIC

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	**: DECISION ON REQUEST TO**
RUSSBERG et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/593,350	**: PROSECUTION HIGHWAY**
Filed: 28 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 43315-280803	**: TO MAKE SPECIAL UNDER**
For: THERMOMAGNETIC	**: 37 CFR 1.102(a)**
GENERATOR DEVICE AND ENERGY	
CONVERTING METHOD	

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 03 December 2010 and renewed 04 February 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENNETH HAAS
MOTOROLA, INC.
PENNY TOMKO
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

MAILED
JAN 10 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
DILIPKUMAR SAKLIKAR et al	:	DECISION ON
Application No.: 12/593,351	:	
PCT No.: PCT/US2008/058884	:	
Int. Filing Date: 31 March 2008	:	PETITION
Priority Date: 04 April 2007	:	
Atty Docket No.: CML04850N	:	
For: METHOD AND APPARATUS TO	:	UNDER 37 CFR 1.137(b)
FACILITATE USING A FEDERATION-BASED	:	
BENEFIT TO FACILITATE	:	
COMMUNICATIONS MOBILITY	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 23 September 2010.

BACKGROUND

On 31 March 2008, applicants filed international application No. PCT/US2008/058884 which claimed a priority date of 04 April 2007, and which designated the United States. The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee expired 30 months from the priority date, i.e. 05 October 2009.

On 28 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 29 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 18 August 2010, the DO/EO/US mailed a Notification of Abandonment indicating applicant has failed to respond to the Notification of Missing Requirements.

On 23 September 2010, applicants filed the present petition under 37 CFR 1.137(b)

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $1620 petition fee has been charged to the deposit account.

Regarding item (3), 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".

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application has an International Filing date under 35 U.S.C. 363 of 31 March 2008, and a date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) of 23 September 2010.

Application No.: 12/593,351

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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.
12/593,353	09/28/2009	Toshiaki Fukuhara	Q115066	5394

65565 7590 01/11/2011
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER
EOFF, ANCA

ART UNIT	PAPER NUMBER
1722	

NOTIFICATION DATE	DELIVERY MODE
01/11/2011	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):

SUGHRUE265550@SUGHRUE.COM
USPTO@SUGHRUE.COM
PPROCESSING@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

January 10, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Toshiaki Fukuhara et al.	:	PARTICIPATE IN PATENT
Serial No. 12/593,353	:	PROSECUTION HIGHWAY
Filed: September 28, 2009	:	PROGRAM AND
For: POSITIVE RESIST COMPOSITION	:	PETITION TO MAKE SPECIAL
AND PATTERN FORMING METHOD	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed November 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 JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

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

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

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

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

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

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

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

Any inquiry regarding this decision should be directed to 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

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 COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/593,413-Conf. #5669	Filing Date:	October 21, 2009
First Named Inventor:	Gunnar Russberg		
Attorney Docket No.:	43315-280801		
Title of the Invention:	GENERATOR DEVICE AND METHOD		

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

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT 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/EP2008/053215

The international date of the corresponding PCT application(s) is/are: March 18, 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.
- [x] 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. 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 October 21, 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 October 21, 2009

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

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

Application No.:	12/593,413-Conf. #5669
First Named Inventor:	Gunnar Russberg

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same except for removal of reference characters and formal language changes
2	2	Same except for removal of reference characters and formal language changes
3	3	Same except for removal of reference characters and formal language changes
4	4	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
5	5	Same except for removal of reference characters and formal language changes
6	6	Same except for removal of reference characters and formal language changes
7	7	Same except for removal of reference characters and formal language changes
8	8	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
9	9	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
10	10	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
11	11	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
12	12	Same except for formal language changes and removal of multiple dependency
13	13	Same except for formal language changes and removal of multiple dependency
14	14	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
15	15	Same except for formal language changes and removal of multiple dependency
16	16	Same except for removal of reference characters
17	17	Same except for removal of reference characters and formal language changes
18	18	Same except for formal language changes and removal of multiple dependency
19	19	new

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

Signature	/Eric J. Franklin/	Date	December 3, 2010
Name (Print/Typed)	Eric J. Franklin	Registration Number	37,134

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.
12/593,413	09/28/2009	Gunnar Russberg	43315-280801	5669

26694 7590 12/06/2010
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
12/06/2010	PAPER

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

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

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:
RUSSBERG, GUNNAR et al	: DECISION ON REQUEST TO
Application No. 12/593,413	: PARTICIPATE IN PATENT
Filed: Sep. 28, 2009	: PROSECUTION HIGHWAY
Attorney Docket No. 43315-280801	: PILOT PROGRAM AND PETITION
For: GENERATOR DEVICE AND METHOD	: 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(d), filed December 3, 2010 to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must 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 Tu Hoang, the SPE of Art Unit 3742, and (571)272-4780 for Class 219/383 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application is currently undergoing the pre-examination processing. Upon completion, the application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

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

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.
12/593,463	09/28/2009	Minoru Honjo	JFE-09-1234	5918

35811 7590 09/22/2010
IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
09/22/2010	ELECTRONIC

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

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

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

pto.phil@dlapiper.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

September 21, 2010 BC

In re application of Minoru Honjo et al. Serial No. 12/593,463 Filed: September 28, 2009 For: INTERNAL HIGH HARDNESS TYPE PEARLITIC RAIL WITH EXCELLENT WEAR RESISTANCE AND ROLLING CONTACT FATIGUE RESISTANCE AND METHOD FOR PRODUCING 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 to participate in the Patent Prosecution Highway (PPH) program filed August 02, 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 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

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 COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/593,465-Conf. #5925	Filing Date:	September 28, 2009
First Named Inventor:	Gunnar Russberg		
Attorney Docket No.:	43315-280798		
Title of the Invention:	DEVICE AND METHOD FOR CONVERTING ENERGY		

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 PATENT 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/EP2008/053208

The international date of the corresponding PCT application(s) is/are: March 18, 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.

[x] 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. 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 October 21, 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 October 21, 2009

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

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

Application No.:	12/593,465-Conf. #5925
First Named Inventor:	Gunnar Russberg

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same except for removal of reference characters and formal language changes
2	2	Same except for formal language changes
3	3	Same except for formal language changes and removal of multiple dependency
4	4	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
5	5	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
6	6	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
7	7	Same except for formal language changes and removal of multiple dependency
8	8	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
9	9	Same except for formal language changes and removal of multiple dependency
10	10	Same except for formal language changes and removal of multiple dependency
11	11	Same except for formal language changes
12	12	Same except for formal language changes and removal of multiple dependency
13	13	Same except for formal language changes, removal of multiple dependency, and removal of multiple dependency
14	14	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
15	15	Same except for formal language changes and removal of reference characters
16	16	Same except for formal language changes and removal of multiple dependency
17	17	Same except for removal of reference characters and formal language changes
18	18	Same except for formal language changes
19	19	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
20	20	New

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

Signature	/Eric J. Franklin/	Date	December 3, 2010
Name (Print/Typed)	Eric J. Franklin	Registration Number	37,134

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.
12/593,465	09/28/2009	Gunnar Russberg	43315-280798	5925

26694 7590 01/04/2011
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
LAM, THANH

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
01/04/2011	PAPER

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	**: DECISION ON REQUEST TO**
RUSSBERG et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/593,465	**: PROSECUTION HIGHWAY**
Filed: 28 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 43315-280798	**: TO MAKE SPECIAL UNDER**
For: DEVICE AND METHOD FOR	**: 37 CFR 1.102(a)**
CONVERTING ENERGY	

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

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

if the latest international work product is not in the English language;

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

Conditions (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. PCT claims 1, 9, and 17 were not shown to have novelty, inventive step, and industrial applicability.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
	:	
Gunnar Russberg et al.	:	Attorney Docket No.: 43315-280798
	:	
Application No.: 12/593,465	:	Art Unit: 2834
	:	
Filed: September 28, 2009	:	Examiner: T. Lam

Title: DEVICE AND METHOD FOR CONVERTING ENERGY

RENEWED REQUEST TO PARTICIPATE IN THE
PATENT PROSECUTION HIGHWAY PROGRAM AND
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(A)

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

Sir:

In response to the decision dated January 4, 2011, Applicants submit a supplemental preliminary amendment presenting only claims indicated to have novelty, inventive step and industrial applicability.

In the preliminary amendment, Claim 2 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 3 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 4 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 5 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 6 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 8 has been amended to incorporate the subject matter of claim 1 as

originally filed. Claim 10 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 16 has been amended to incorporate the subject matter of claim 1 as originally filed. Claim 18 has been amended to incorporate the subject matter of claim 17 as originally filed. Claim 19 has been amended to incorporate the subject matter of claim 17 as originally filed. All pending claims correspond to the subject matter recited in the corresponding numbered claims in the PCT application rewritten in independent form and with reference characters deleted, with formal language changes and/or multiple dependencies removed as indicated in the request submitted December 3, 2010, the entire contents of which are incorporated herein by reference.

Applicants hereby request that the previously submitted request to participate in the patent prosecution highway-PCT program and petition to make the above-identified application special under the PPH-PCT program be granted.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: February 4, 2011

/Eric J. Franklin/
Eric J. Franklin, Reg. No. 37,134
Attorney for Applicant
Venable LLP
575 Seventh Street, NW
Washington, DC 20004
Telephone: 202-344-4936
Facsimile: 202-344-8300

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/593,465	09/28/2009	Gunnar Russberg	43315-280798	5925

26694 7590 04/26/2011
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
TRUONG, THOMAS

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	**: DECISION ON REQUEST TO**
RUSSBERG et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/593,465	**: PROSECUTION HIGHWAY**
Filed: 28 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 43315-280798	**: TO MAKE SPECIAL UNDER**
For: DEVICE AND METHOD FOR	**: 37 CFR 1.102(a)**
CONVERTING ENERGY	

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 03 December 2010 and renewed 04 February 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

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

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

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

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

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

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

if the latest international work product is not in the English language;

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

Requirements (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. US claims 5-16 fail to require "wherein the frequency of said temperature variation above and below the phase transition temperature and the resonance frequency of said resonant circuit optimize the resonant energy transfer to the resonance circuit" which is required by PCT claim 1.

No further consideration of this matter will be undertaken.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 08 2011

PCT LEGAL ADMINISTRATION

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

Roger D. Wylie
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

In re Application of	:
Kelly, et al.	:
Application No.: 12/593,603	: DECISION ON
PCT No.: PCT/US2008/058782	:
Int. Filing Date: 28 March 2008	: PETITION
Priority Date: 28 March 2007	:
Attorney's Docket No.:Orgfur-2-6021	: UNDER 37 CFR 1.47(a)
For: FOLDING CHAIR	:

This is a decision in response to the "PETITION TO ACCEPT APPLICATION ON BEHALF OF A JOINT INVENTOR WHO CANNOT BE REACHED UNDER 37 CFR § 1.47(a)" filed on 03 September 2010. The $200 petition fee has been paid.

BACKGROUND

On 28 March 2008, applicants filed international application PCT/US2008/058782 that claimed priority of an earlier United States provisional application filed 30 March 2007. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 30 September 2009.

On 28 March 2009, applicants filed an ADS, a copy of the international application, a certified copy of the priority document and the basic national fee as required by 35 U.S.C. 371(c) for entry into the national stage in the United States. These papers were assigned application number 12/593,603.

On 03 February 2010, the DO/EO/US mailed a Notification of Missing Requirements (Form PCT/DO/EO/US).

On 03 September 2010, applicant filed the current petition along with a declaration signed by inventors Kelly, Matheus, Wilgus, and Hillard, and various affidavits.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing inventor. The petition is missing items (2) and (3) above.

With respect to item (1), applicant included the required petition fee.

With respect to item (2), Ms. Gloria McDaniel indicates that she entered Joseph D. Flaugher on People Lookup, but was unsuccessful in her attempt to ascertain his address. However, according to Exhibit 1, when the name was entered, People Lookup indicated "Your search was successful!" Further, any information with respect to Joseph D. Flaugher has been covered on the next page of Exhibit 1, so that the first information that appears is Michael P. Flaugher. A quick internet search for Joseph D. Flaugher indicates that Mr. Flaugher may live in Iowa. Further, with respect to Exhibit 2, Ms. Gloria McDaniel indicates that she looked up Mr. Flaugher's address in the Yellow Pages. However, the entry is for Joe Flaugher, and not Joseph D. Flaugher.

With respect to item (3), applicant has not provided a statement of Mr. Flaugher's last known address. Ms. McDaniel indicated that the address can be found in the Yellow Pages but did not provide a statement indicating Mr. Flaugher's last known address.

With respect to item (4), applicant provided a declaration signed by inventors Kelly, Matheus, Wilgus, and Hillard, on behalf of inventor Flaugher. However, the declaration is not proper for this application since it executes the provisional application, and not the current national stage application.

CONCLUSION

The petition under 35 U.S.C. 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 submit the proper response will result in **ABANDONMENT**. 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.

/Debra S. Brittingham/
Debra S. Brittingham
PCT Special Programs Examiner
PCT Legal Office
Telephone: (571) 272-3280

/Boris Milef/
Boris Milef
PCT Legal Examiner
PCT Legal Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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APR 06 2011

PCT LEGAL ADMINISTRATION

Roger D. Wylie
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

In re Application of	:
Kelly, et al.	:
Application No.: 12/593,603	: DECISION ON
PCT No.: PCT/US2008/058782	:
Int. Filing Date: 28 March 2008	: PETITION
Priority Date: 28 March 2007	:
Attorney's Docket No.:Orgfur-2-6021	: UNDER 37 CFR 1.47(a)
For: FOLDING CHAIR	:

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed on 31 March 2011.

BACKGROUND

On 28 March 2008, applicants filed international application PCT/US2008/058782 that claimed priority of an earlier United States provisional application filed 30 March 2007. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 30 September 2009.

On 28 March 2009, applicants filed an ADS, a copy of the international application, a certified copy of the priority document and the basic national fee as required by 35 U.S.C. 371(c) for entry into the national stage in the United States. These papers were assigned application number 12/593,603.

On 03 February 2010, the DO/EO/US mailed a Notification of Missing Requirements (Form PCT/DO/EO/US).

On 03 September 2010, applicant filed a petition under 37 CFR 1.47(a) along with a declaration signed by inventors Kelly, Matheus, Wilgus, and Hillard, and various affidavits.

On 08 February 2011, a decision was mailed to applicant indicating that applicant had not provided enough evidence for the lack of signature for inventor Flaugher.

On 31 March 2011, applicant filed the current renewed petition under 37 CFR 1.47(a).

DISCUSSION

The submission of a declaration executed by the previously nonsigning inventor is a proper response to the decision mailed 08 February 2011.

CONCLUSION

The petition under 35 U.S.C. 1.47(a) is **DISMISSED AS MOOT**.

This application is being forwarded to the national stage office for preparation 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) showing a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **31 March 2011**.

/Debra Brittingham/
Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

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

Tel: (571) 272-3280

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOVARTIS INSTITUTES FOR
BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Application of :
Boettcher et al. :
Application No. 12/593,721 :
Filed: September 29, 2009 :
Attorney Docket No.50849-US-PCT :
Title: 3-IMIDAZOLYL-INDOLES FOR :
THE TREATMENT OF PROLIFERATIVE :
DISEASES :
:

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is a decision on the "PETITION REGARDING PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed September 15, 2011. Applicants request that the determination of patent term adjustment be corrected to one hundred thirty-six (136) days instead of the one hundred six (106) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The petition to correct the patent term adjustment is **DISMISSED**.

Applicants dispute the 30 day reduction for the submission of the supplemental amendment on July 27, 2011 because the supplemental amendment was filed after discussion with the examiner.

Applicants' argument has been considered but determined not to be persuasive.

Pursuant to 37 CFR § 1.704(c), circumstances that constitute a failure of the applicant to engage in reasonable efforts to

include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

A review of the record confirms that the supplemental reply in the form of an amendment was not expressly requested by the examiner. As such the period of reply is calculated beginning on June 28, 2011, the day after the date the initial reply was filed and ending on the date that the supplemental reply in this instance the supplemental amendment was filed on July 27, 2011. Accordingly, the 30 day reduction will remain.

Applicants' delay prior to the mailing of the Notice of Allowance is 30 days,

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is 106 days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Attorney Advisor
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

NOVARTIS INSTITUTES FOR
BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE MA 02139

MAILED
DEC 06 2011
OFFICE OF PETITIONS

In re Patent No. 8,053,457	:
Boettcher et al.	: DECISION ON REQUEST FOR
Issue Date: November 8, 2011	: RECONSIDERATION OF
Application No. 12/593,721	: PATENT TERM ADJUSTMENT
Filed: September 29, 2009	: AND NOTICE OF INTENT
Attorney Docket No. 50849-US-PCT	: TO ISSUE CERTIFICATE OF CORRECTION
Title: 3-IMIDAZOLYL-INDOLES FOR THE TREATMENT OF PROLIFERATIVE DISEASES	:

This is a decision on the "PETITION REGARDING PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed November 2, 2011. This request is being treated as a request for reconsideration of the September 19, 2011 patent term adjustment decision. Patentees request that the determination of patent term adjustment be corrected to one hundred thirty-six (136) days instead of the one hundred six (106) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The petition to correct the patent term adjustment is **GRANTED**.

Applicants dispute the 30 day reduction for the submission of the supplemental amendment on July 27, 2011 because the supplemental amendment was filed after discussion with the examiner.

Upon further consideration Applicants' argument has been considered and determined to be persuasive.

Pursuant to 37 CFR § 1.704(c), circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

A review of the record confirms that the supplemental reply in the form of an amendment was expressly requested by the examiner. Accordingly, the 30 day reduction will be removed.

The application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one hundred thirty-six (136) days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,053,457 B2

DATED : November 8, 2011 **DRAFT**

INVENTOR(S) : Boettcher et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 106 days

Delete the phrase "by 106 days" and insert – by 136 days--

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

WOMBLE CARLYLE SANDRIDGE & RICE PLLC
TARGACEPT
ATTENTION: IP DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357

MAILED
JUL 11 2011
OFFICE OF PETITIONS

Applicant: Hammond, et al.
Appl. No.: 12/593,779
International Filing Date: March 27, 2008
Title: Sub-Type Selective Azabicyclo-Alkane Derivatives
Attorney Docket: T103 1890.US
Pub. No.: US 2010/0173968 A1
Pub. Date: July 8, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 17, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment to the specificaiton filed with the application on September 29, 2009, was not included in the publication.

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

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun.

[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).

(emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b).

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 August 17, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

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

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

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

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

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

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

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Prass LLP
2661 Riva Road
Bldg. 1000, Suite 1044
Annapolis, MD 21401

MAILED
AUG 30 2011
PCT LEGAL ADMINISTRATION

In re Application of
William R. Richards
Application No.: 12/593,822
PCT No.: PCT/US2008/004279
Int. Filing Date: 02 April 2008
Priority Date: 02 April 2007
Attorney Docket No.: 078-0012
For: GEAR WITH MULTIPLE MAGNETIC TOOTH ENGAGEMENT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 June 2011 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (declaration of inventorship) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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.
12/593,869	10/22/2009	Kyong Min Kang	17972.18	8747

22913 7590 03/21/2012
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER
CLARK, GREGORY D

ART UNIT	PAPER NUMBER
1786	

MAIL DATE	DELIVERY MODE
03/21/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 21, 2012

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of	:	
Kyong Min Kang et al.	:	**DECISION ON PETITION**
Application No. 12593869	:	
Filed: 10/22/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 17972.18	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 29, 2009.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED

NOV 05 2010

PCT LEGAL ADMINISTRATION

Joseph R. Baker, APC
Gavrilovich, Dodd & Lindsey LLP
4660 La Jolla Village Drive, Suite 750
San Diego CA 92122

In re Application of :
HAN, et al. :
PCT No.: PCT/SG2008/000097 : DECISION ON PETITION
Application No.: 12/593,877 :
Int. Filing Date: 28 March 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 30 March 2007 :
Atty. Docket No.: 00023-004US1 :
For: AN ENCAPSULATED QUANTUM DOT :

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 22 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 March 2008, applicant filed international application PCT/SG2008/000097 which claimed priority to an earlier application filed 30 March 2007. A copy of the international application was communicated from the International Bureau (IB) to the United States on 09 October 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 30 September 2009.

On 29 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 application data sheet, an English translation of the international application as filed, an Information Disclosure Statement and a preliminary amendment.

On 23 February 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 22 September 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint 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. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

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

The application has an international filing date of 28 March 2008 under 35 U.S.C. 363, and will be given a date of **22 September 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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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Ms. Lai Ying Ng
46 Jambol Place
Singapore 119373

MAILED

NOV 05 2010

PCT LEGAL ADMINISTRATION

In re Application of
HAN, et al.
PCT No.: PCT/SG2008/000097
Application No.: 12/593,877
Int. Filing Date: 28 March 2008
Priority Date: 30 March 2007
Atty. Docket No.: 00023-004US1
For: AN ENCAPSULATED QUANTUM DOT

Dear Ms. Ng:

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:
Gavrilovich, Dodd & Lindsey LLP
4660 La Jolla Village Drive, Suite 750
San Diego CA 92122
United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
OCT 13 2010
PCT LEGAL ADMINISTRATION

Weaver Austin Villeneuve & Sampson LLP - IGT
Attn: IGT
P.O. Box 70250
Oakland CA 94612-0250

In re Application of PETERS, Colin Graham
U.S. Application No.: 12/593,882
PCT No.: PCT/US2008/059046
Int. Filing Date: 01 April 2008
Priority Date: 14 April 2007
Attorney Docket No.: IGT1P448/P001270-002
For: GAMING MACHINE RESERVATION SYSTEM

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to applicant's "Petition pursuant to 37 CFR 1.47(b)" filed 28 July 2010 to accept the application without the signature of sole inventor, Colin Graham Peters. The $200 petition fee has been submitted.

BACKGROUND

On 01 April 2008, applicant filed international application PCT/US2008/059046. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 October 2009.

On 29 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 28 January 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 July 2010, applicant filed a petition under 37 CFR 1.47(b) and a four-month extension of time fee.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application

or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Items (1) - (4) and (6) have been satisfied.

Applicant here has submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Colin Graham Peters's refusal to execute the application papers is contained in the statements by John Griffth and Natalie Morgan included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventors have been provided.

Regarding item (4), an executed oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has been provided. Item (4) has been satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Petitioner asserts a proprietary interest based on an employment agreement executed by the nonsigning inventor. The MPEP states the following with respect to an agreement in writing to assign an invention:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement

> of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

Regarding item (5), petitioner has not demonstrated that applicant has a propriety interest in the invention. Petitioner has provided a copy of a Deed of Confidentiality & Restraint executed by the nonsigning inventor for IGT Pyt. Limited. However, the petition papers do not indicate firsthand knowledge of the specific details surrounding the present invention of Colin Graham Peters, including the specific relationship of the inventive activities of Colin Graham Peters and his employment with IGT Pyt. Limited. As stated in section 409.03(f) of the M.P.E.P. when such an employment agreement is relied upon, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant. An affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed has not been provided.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Colin Graham Peters under 37 CFR 1.47(b) at this time.

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.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Weaver Austin Villeneuve & Sampson LLP - IGT
Attn: IGT
P.O. Box 70250
Oakland CA 94612-0250

MAILED

MAY 18 2011

PCT LEGAL ADMINISTRATION

In re Application of PETERS, Colin Graham
U.S. Application No.: 12/593,882
PCT No.: PCT/US2008/059046
Int. Filing Date: 01 April 2008
Priority Date: 14 April 2007
Attorney Docket No.: IGT1P448/P001270-002
For: GAMING MACHINE RESERVATION SYSTEM

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to applicant's "Renewed Petition (37 CFR 1.47(b)) for Application By Owner of Entire Interest" filed 10 March 2010 to accept the application without the signature of sole inventor, Colin Graham Peters. The $200 petition fee has been submitted.

BACKGROUND

On 01 April 2008, applicant filed international application PCT/US2008/059046. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 October 2009.

On 29 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 28 January 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 July 2010, applicant filed a petition under 37 CFR 1.47(b) and a four-month extension of time fee. In a decision dated 13 October 2010, applicant's petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 10 March 2011, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Items (1) - (4) and (6) have been satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Petitioner asserts a proprietary interest based on an employment agreement executed by the nonsigning inventor. The MPEP states the following with respect to an agreement in writing to assign an invention:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

Regarding item (5), petitioner has not demonstrated that applicant has a propriety interest in the invention. Petitioner has provided a statement from Anthea Gilmore, Legal and Compliance Counsel, Company Secretary for IGT Pty. LTd., which states that "the invention of the above-identified application was made by Colin Graham Peters as an employee by IGT (Australia) Pty. Limited" However, the statement from Anthea Gilmore is not acceptable without additional corroborating evidence, in that, it appears that said statement does not indicate firsthand knowledge of the specific details surrounding the present invention of Colin Graham Peters, including the specific relationship of the inventive activities of Colin Graham Peters and his employment with IGT Pyt. Limited. As stated in section 409.03(f) of the M.P.E.P. when such an employment agreement is relied upon, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while

employed by the 37 CFR 1.47(b) applicant. An affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed has not been provided.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Colin Graham Peters under 37 CFR 1.47(b) at this time.

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.

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
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Weaver Austin Villeneuve & Sampson LLP - IGT
Attn: IGT
P.O. Box 70250
Oakland CA 94612-0250

MAILED
OCT 25 2011
PCT LEGAL ADMINISTRATION

In re Application of PETERS, Colin Graham
U.S. Application No.: 12/593,882
PCT No.: PCT/US2008/059046
Int. Filing Date: 01 April 2008
Priority Date: 14 April 2007
Attorney Docket No.: IGT1P448/P001270-002
For: GAMING MACHINE RESERVATION SYSTEM

DECISION ON PETITION UNDER 37 CFR 1.47(b)

In a decision mailed by this Office on 18 May 2011, the petition under 37 CFR 1.47(b) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted an adequate showing that the 37 CFR 1.47(b) applicant has a proprietary interest in the present application.

On 16 September 2011, petitioner filed the renewed petition considered herein. The renewed petition includes supplemental materials which, in combination with the previously filed materials, adequately demonstrate that the 37 CFR 1.47(b) applicant has the necessary proprietary interest in the present application. (See declaration of Colin Leonard Gray)

Therefore, the renewed petition under 37 CFR 1.47(b) is GRANTED. The application is accepted without the signature of nonsigning inventor, Colin Graham PETERS

A notice of the acceptance of the application under 37 CFR 1.47(b) 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 renewed petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Colin Graham PETERS
54 Wallingford Street
Cheltenham VIC
3192 Australia

MAILED
OCT 25 2011
PCT LEGAL ADMINISTRATION

In re Application of
PETERS, Colin Graham
U.S. Application No.: 12/593,882
PCT No.: PCT/US2008/059046
Int. Filing Date: 01 April 2008
Priority Date: 14 April 2007
Attorney Docket No.: IGT1P448/P001270-002
For: GAMING MACHINE RESERVATION SYSTEM

Dear Colin Graham PETERS:

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
Facsimile: (571) 273-0459

Counsel of Record:
Weaver Austin Villeneuve & Sampson LLP - IGT
Attn: IGT
P.O. Box 70250
Oakland CA 94612-0250

UNITED STATES PATENT AND TRADEMARK OFFICE

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

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B Street
Suite 2100
San Diego, CA 92101

MAILED

APR 12 2011

PCT LEGAL ADMINISTRATION

In re Application of
WAKU *et al*
U.S. Application No.: 12/593,885
PCT No.: PCT/JP2008/056200
Int. Filing Date: 28 March 2008
Priority Date: 29 March 2007
Attorney Docket No.: 114324-KC0069
For: PORTABLE WIRELESS DEVICE

DECISION

This decision is in response to the renewed petition under 37 CFR 1.182 filed 28 July 2010.

BACKGROUND

On 11 May 2010, a decision dismissing applicants' petition to change the name of an inventor was mailed. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 28 July 2010, applicants filed the subject response which was accompanied by, *inter alia*, a one-month extension fee and a statement by the inventor whose name was being changed.

DISCUSSION

In the renewed response, applicants state that the international application erroneously recorded the name of an inventor as Makoto TAKAHASHI due to a clerical error.

Applicants' claim that the first name of the inventor is "Shin", not "Makoto." A statement by the inventor whose name is being changed was provided. The inventor asserts that his correct name is Shin TAKAHASHI and states that the error in inventorship in the international application occurred without deceptive intention on his part. The $400.00 petition fee was previously submitted.

This is sufficient for a grantable petition.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 is **GRANTED**.

The inventor's name has been changed to Shin TAKAHASHI. The declaration filed 08 January 2010 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 March 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 08 January 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

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.
12/593,899	09/29/2009	Akihiko Nishio	733156.408USPC	8979

96896 7590 08/18/2010
Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, WA 98104

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
08/18/2010	ELECTRONIC

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

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

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

jeffs.docketing@seedip.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

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

In re Application of: NISHIO, AKIHIKO et al.
Application No. 12593899
Filed: September 29, 2009
For: CHANNEL ARRANGEMENT METHOD AND RADIO COMMUNICATION BASE STATION DEVICE

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

MAILED

AUG 17 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 28, 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).

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

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

Telephone inquiries concerning this decision should be directed to 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

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United States Patent and Trademark Office
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
JUN 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Damude et al.	:	DECISION ON PETITION
Application No. 12/594,011	:	TO WITHDRAW
Filed: September 30, 2009	:	FROM RECORD
Attorney Docket No. BB1614 USPCT	:	

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 **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 29122[1] was revoked by the assignee of the patent application on May 12, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

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[1] It is noted that in the Request Customer Number 00826 is cited, rather than Customer Number 29122. The appropriate Customer Number, however, was stated at the end of the request.

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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

MAILED
MAR 29 2011
OFFICE OF PETITIONS

Applicant: Thomas Anthopoulos, et al.
Appl. No.: 12/594,035
International Filing Date: April 1, 2008
Title: IMPROVEMENTS IN ORGANIC FIELD-EFFECT TRANSISTORS
Attorney Docket No.: 21573.53/P42409US-M
Pub. No.: US 2010/0155707 A1
Pub. Date: June 24, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 17, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the application wherein the name of one inventor and the name of the assignee 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 the name of one inventor, "Donal Donat Conor Bradley," was omitted may be Office error, but it is not a material Office error under 37 CFR 1.221(b). Also the failure to include the assignee "IMPERIAL INNOVATIONS LIMITED", on the front page of the published patent application is not a material Office error. The omission of an inventor's name and assignee does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication

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

or 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" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria VA 22314

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of :
Shingo KAMEYAMA et al. : ON PETITION
Application No. 12/594,098 :
Filed: September 30, 2009 :
Atty. Docket No.: P3363US00

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed July 25, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned October 26, 2011. A Notice of Abandonment was mailed November 1, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fee in accordance with the Notice mailed July 25, 2011, (2) a petition fee of $1860, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

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

Robert DeWitty
Petitions Attorney
Office of Petitions

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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.
12/594,107	09/30/2009	Thomas Kähler	3129F/118	1737

2101 7590 12/06/2010
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
12/06/2010	ELECTRONIC

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

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

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

PATENTS@SUNSTEINLAW.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON MA 02110-1618

In re Application of	:	
KäHLER, THOMAS, et al.	:	DECISION ON REQUEST TO
Application No. 12/594,107	:	PARTICIPATE IN PATENT
Filed: September 30, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **3129F/118**	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 1, 2010.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO, or validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims; or a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application

(i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or

(ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or

(iii) contains no priority claim,

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

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

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Diversey, Inc.
8310 16TH STREET, M/S 509
PO BOX 902
STURTEVANT WI 53177-0902

In re Application of:	
BOBER, Andrew, et al.	
U.S. Application No.: 12/594,114	DECISION ON PETITION UNDER 37 CFR 1.47(a)
PCT No.: PCT/US2008/058588	
International Filing Date: 28 March 2008	
Priority Date: 03 April 2007	
Attorney Docket No.: JD-762A-US	
For: MOP HEAD FIXATION DEVICE AND METHOD	

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.47(a)" filed 14 June 2010. Applicants have paid the required petition fee.

BACKGROUND

On 28 March 2008, applicants filed international application PCT/US2008/058588. The international application claimed a priority date of 03 April 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., 03 October 2009.

On 30 September 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 12 February 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date was required.

On 14 June 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge, a declaration executed by eight of the nine inventors of record, and the "Petition Under 37 CFR § 1.47(a)" considered herein. The petition seeks acceptance of the application without the signature of non-signing inventor Daniel S. PICA, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by eight of the nine inventors of record, and the declaration includes, as required, an unsigned signature block for the non-signing inventor, Daniel S. PICA. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, with supporting documents, providing an acceptable showing that, among other efforts to obtain the inventor's signature, a request for signature, accompanied by a copy of the complete application, was delivered to the last known address of the non-signing and that the non-signing inventor has failed to provide the requested signature in response to applicants' request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

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

The application is accepted without the signature of non-signing inventor Daniel S. PICA.

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 14 June 2010.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Daniel S. PICA
537 Free Church Drive
Williams Bay, WI 53191

In re Application of: BOBER, Andrew, et al.
U.S. Application No.: 12/594,114
PCT No.: PCT/US2008/058588
International Filing Date: 28 March 2008
Priority Date: 03 April 2007
Attorney Docket No.: JD-762A-US
For: MOP HEAD FIXATION DEVICE AND METHOD

Dear Mr. PICA:

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

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

/RichardMRoss/

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

Counsel Of Record:
Gregory S. Bollis
Diversey, Inc.
8310 16TH STREET, M/S 509
PO BOX 902
STURTEVANT WI 53177-0902

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/594,118	11/02/2009	Toshio Yagiura	P3482US00	1806

30671 7590 08/18/2010
DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/18/2010	ELECTRONIC

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

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

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

docket@dcpatent.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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August 17, 2010 CST

In re application of	:	DECISION ON REQUEST TO
Toshio Yagiura	:	PARTICIPATE IN PATENT
Serial No. 12/594,118	:	PROSECUTION HIGHWAY
Filed: November 2, 2009	:	PROGRAM AND
For: SOLAR CELL MODULE	:	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 filed June 17, 2010.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the 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 fail because:

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

It appears that the amendment made under Article 19 in the corresponding PCT has not been entered in the present application. Note the Notice of Acceptance of Application under 35 USC 371 and 37 CFR 1.495 mailed on March 11, 2010. However, if the present claims were amended to include those limitations present in the Article 19 amendment, the claims of the present application would correspond to the claims allowed by the JPO.

It is further noted, that the coversheet for the PPH request requests participation in the PCT – PPH Pilot program between the JPO and the USPTO, however the claims submitted were actually indicated as allowable by the JPO (rather than during the PCT) and that the prior office action submitted was actually from the JPO (rather than the international work product). Accordingly, this request has been treated as a request for participation in the PPH program between the JPO and the USPTO.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are

not corrected within the time period given, the application with await action in its regular turn.

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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.
12/594,118	11/02/2009	Toshio Yagiura	P3482US00	1806

30671 7590 10/05/2010
DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
10/05/2010	ELECTRONIC

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

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

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

docket@dcpatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

October 4, 2010

In re application of	:	DECISION ON REQUEST TO
Toshio Yagiura	:	PARTICIPATE IN PATENT
Serial No. 12/594,118	:	PROSECUTION HIGHWAY
Filed: November 2, 2009	:	PROGRAM AND
For: SOLAR CELL MODULE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed September 8, 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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P.O. Box 1450
Alexandria, VA 22313-1450
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CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON FL 33487

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Application: Stephen Fletcher Application No. 12/594,141 Filed: February 2, 2010 Attorney Docket No. H311548PCTUS (1083-063U)	: : : : :	ON PETITION

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.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

MAILED

JUN 16 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Cheung et al.	:	
Application No.: 12/594,176	:	
PCT No.: PCT/US2008/068869	:	
Int. Filing Date: 30 June 2008	:	DECISION
Priority Date: 29 June 2007	:	
Attorney Docket No.: T4356-14261US01	:	
For: Microfluidic Device For	:	
Counting Biological Particles	:	

This is in response to the "Renewed Request To Correct Inventor's Name" filed on 08 March 2010.

DISCUSSION

Counsel asserts that "a typographical or transliteration error in the spelling of the inventor's name caused the inventor to be incorrectly listed as Yukkee Cheung, instead of the inventor's actual name, Yuk Kee Cheung, in the underlying international application, PCT/US2008/068869." In view of the policy described at MPEP 605.04(b), it would be appropriate to accept counsel's statements as to the identity of the inventor and the nature of the error.

The declaration filed on 08 March 2010 is accepted in satisfaction of 37 CFR 1.497(a) and (b).

DECISION

The request is **GRANTED**.

This application being returned to the Office of Patent Application processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 March 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

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

MAILED
MAR 23 2011
OFFICE OF PETITIONS

Applicant: Solana, et al.
Appl. No.: 12/594,228
International Filing Date: March 31, 2008
Title: PYRROLOPYRIMIDINE DERIVATIVES AS JAK3 INHIBITORS
Atty. Docket No. 10518.0016-00000
Pub. No.: US 2010/0113420 A1
Pub. Date: May 6, 2010

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

The request is granted.

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 Mike 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

07 SEP 2010

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

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of	:	
SADAN, et al.	:	DECISION ON PETITION
Serial No.: 12/594,267	:	
PCT No.: PCT/US2007/065752	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 02 April 2007	:	
Priority Date: 02 April 2007	:	
Atty Docket No.: 4879-003	:	
For: BROADBAND DATA AND VOICE	:	
COMMUNICATIONS OVER WIRELESS AND	:	
POWERLINE HYBRID NETWORKS	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 19 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 April 2007, applicant filed international application PCT/US2007/06572. 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 02 October 2009.

On 01 October 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 19 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 August 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time. With payment of the five-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 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 that the inventors were merely mailed a declaration and power of attorney for signature. In addition, it is not clear from the petition that Mr. Sadan has firsthand knowledge of the preparation and mailing of the papers to the inventors. Lastly, as to inventor Krumenacker the mailing was returned as undeliverable but it does not appear that applicant took any effort after the mailing was returned to obtain a current address for Mr. Krumenacker. (See further MPEP 409.03(d): 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.)

Regarding item (4), the declaration as filed is not in compliance with 37 CFR 1.497. 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.

The filed declaration contains multiple second pages of the declaration but merely one first page. As such, it appears that the inventors were not provided with complete declarations for signature or only returned the signature pages. Either scenario renders the documents non-compliant.

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
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
Washington, D.C. 20231
www.uspto.gov

MAILED

JAN 03 2011

PCT LEGAL ADMINISTRATION

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of	:	
SADAN, et al.	:	DECISION ON PETITION
Serial No.: 12/594,267	:	
PCT No.: PCT/US2007/065752	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 02 April 2007	:	
Priority Date: 02 April 2007	:	
Atty Docket No.: 4879-003	:	
For: BROADBAND DATA AND VOICE	:	
COMMUNICATIONS OVER WIRELESS AND	:	
POWERLINE HYBRID NETWORKS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 07 December 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 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 07 December 2010, applicant filed the present renewed petition accompanied by a petition for a one-month extension of time and payment of the extension of time fee. The renewed petition is considered timely filed.

DISCUSSION

As detailed in the decision mailed 07 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 4.

With the filing of the present renewed petition and supporting exhibits, applicant has satisfied the remaining items and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 02 April 2007 under 35 U.S.C. 363, and will be given a date of **07 December 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. John Krumenacker
961 W. Cedar Street
Allentown, PA 18102-1446

MAILED

JAN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
SADAN, et al.
Serial No.: 12/594,267
PCT No.: PCT/US2007/065752
Int. Filing Date: 02 April 2007
Priority Date: 02 April 2007
Atty Docket No.: 4879-003
For: BROADBAND DATA AND VOICE COMMUNICATIONS OVER WIRELESS AND POWERLINE HYBRID NETWORKS

Dear Mr. Krumenacker:

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:
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

UNITED STATES 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. Rajiv Salimath
65 Dane Street
Somerville, MA 02134

MAILED
JAN 03 2011
PCT LEGAL ADMINISTRATION

In re Application of
SADAN, et al.
Serial No.: 12/594,267
PCT No.: PCT/US2007/065752
Int. Filing Date: 02 April 2007
Priority Date: 02 April 2007
Atty Docket No.: 4879-003
For: BROADBAND DATA AND VOICE COMMUNICATIONS OVER WIRELESS AND POWERLINE HYBRID NETWORKS

Dear Mr. Salimath:

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:
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED

MAR 23 2011

PCT LEGAL ADMINISTRATION

WOMBLE CARLYLE SANDRIDGE & RICE
IP Docketing
P.O. BOX 7037
ATLANTA GA 30357-0037

In re Application of	:	DECISION
SALA et al.	:	
Application No.: 12/594,289	:	
PCT No.: PCT/US2008/059125	:	
Int. Filing Date: 02 April 2008	:	
Priority Date: 04 April 2007	:	
Attorney Docket No.: 038867/379098	:	
For: HERBICIDE-RESISTANT . . . AND	:	
METHODS OF USE	:	

This decision is in response to applicants' submission filed 21 February 2011, which has properly been treated as a renewed request for status under 37 CFR 1.42 for deceased inventor Mariel ECHARTE and as a renewed petition under 37 CFR 1.47(a) for the legal representative of Mariel ECHARTE.

The renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT** for the reasons set forth below.

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The renewed request for status under 37 CFR 1.42 is **REFUSED** for the reasons set forth below

BACKGROUND

On 02 April 2008, applicants filed international application PCT/US2008/059125, which designated the United States and claimed a priority date of 04 April 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 October 2009 (04 October 2009 being a Saturday).

On 01 October 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.

On 04 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 June 2010, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.42 deceased inventor Mariel ECHARTE and as a petition under 37 CFR 1.47(a) for the legal representative of Mariel ECHARTE. The submission includes a petition/fee for a five-month extension of time.

On 19 July 2010, a decision was mailed refusing the request for status under 37 CFR 1.42 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 21 February 2011, applicants filed the instant submission which includes, *inter alia*, a petition/fee for a five-month extension of time, two new declarations of inventors, and an indication that joint inventor Carlos Sala is the legal representative for deceased inventor Mariel ECHARTE.

DISCUSSION

Request Under 37 CFR 1.47(a)

As noted above, the legal representative for Mariel ECHARTE has been located and has executed a declaration on behalf of the deceased. Accordingly, the petition under 37 CFR 1.47(a) is moot.

Petition Under 37 CFR 1.42

The declaration signed on behalf of Mariel ECHARTE includes the full name and citizenship of the deceased inventor and the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (this information is under the name of joint inventor Carlos SALA, who is also the legal representative of the deceased). However, this declaration is not sufficient because there is difference in names in one of the named inventors between the published international application (Mariel ECHARTE) and the declaration (Adriana Mariel ECHARTE). The petition filed 21 February 2011 urges that this difference in names is due to a typographical error. However, it is clear that the difference in names is due to more than a mere typographical error or a phonetic misspelling of applicant's legal name. Consequently, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition

must be accompanied by the requisite petition fee of $400 as well as a statement indicating that Ms. ECHARTE is a joint inventor of the subject matter of the present application and explaining the circumstances surrounding the difference in names on the international application and the declaration.

Additionally, the declaration of inventors filed 21 February 2011 signed on behalf of Mariel ECHARTE is not sufficient because it names a different inventive entity than that named in the international application. In this declaration, inventor Brigitte J. Weston is not named but an additional inventor–Robert Ascenzi–is named.

CONCLUSION

For the reasons set forth above, 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.

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUL 14 2011

PCT LEGAL ADMINISTRATION

WOMBLE CARLYLE SANDRIDGE & RICE
IP Docketing
P.O. BOX 7037
ATLANTA GA 30357-0037

In re Application of	:	DECISION
SALA et al.	:	
Application No.: 12/594,289	:	
PCT No.: PCT/US2008/059125	:	
Int. Filing Date: 02 April 2008	:	
Priority Date: 04 April 2007	:	
Attorney Docket No.: 038867/379098	:	
For: HERBICIDE-RESISTANT . . . AND	:	
METHODS OF USE	:	

This decision is in response to applicants' submission filed 15 May 2011, which has properly been treated as a petition under 37 CFR 1.182 and a renewed request for status under 37 CFR 1.42 for deceased inventor Mariel ECHARTE.

BACKGROUND

On 02 April 2008, applicants filed international application PCT/US2008/059125, which designated the United States and claimed a priority date of 04 April 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 October 2009 (04 October 2009 being a Saturday).

On 01 October 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.

On 04 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 June 2010, applicants filed a submission which was properly treated as a request for status under 37 CFR 1.42 deceased inventor Mariel ECHARTE and as a petition under 37

CFR 1.47(a) for the legal representative of Mariel ECHARTE. The submission includes a petition/fee for a five-month extension of time.

On 19 July 2010, a decision was mailed refusing the request for status under 37 CFR 1.42 and dismissing without prejudice the petition under 37 CFR 1.47(a).

On 21 February 2011, applicants filed a submission which included, *inter alia*, a petition/fee for a five-month extension of time, two new declarations of inventors, and an indication that joint inventor Carlos Sala is the legal representative for deceased inventor Mariel ECHARTE. This submission was properly treated as a renewed request under 37 CFR 1.42 for deceased inventor Mariel ECHARTE and as a renewed petition under 37 CFR 1.47(a) for the legal representative of Mariel ECHARTE.

On 23 March 2011, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) as moot since a 37 CFR 1.497 declaration has been executed by all the joint inventors and refusing applicants' request for status under 37 CFR 1.42. The decision also noted that the declaration of inventors filed 21 February 2011 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names between the declaration (Adrianna Mariel ECHARTE) and the published international application (Mariel ECHARTE) and that a proper petition under 37 CFR 1.182 accompanied by the requisite petition fee of $400 would be required in order to resolve the matter.

On 15 May 2011, applicants filed the instant petition under 37 CFR 1.182 and a renewed request for status under 37 CFR 1.42 for deceased inventor Mariel ECHARTE.

DISCUSSION

Petition Under 37 CFR 1.182

The petition fee has been paid. The submission filed 15 May 2011 concerning the name of the third-named inventor explains the difference in the inventor's name as set forth in the international application (Mariel ECHARTE) and the declaration of inventors filed 15 May 2011 (Adrianna Mariel ECHARTE) and that the name on the declaration is the desired name. This explanation of the difference in names is accepted and noted for the record. The inventor's name has been changed in USPTO records.

Petition Under 37 CFR 1.42

The submission filed 15 May 2011 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration signed on behalf of Adrianna Mariel ECHARTE includes the full name and citizenship of the deceased inventor and the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (this information is under the name of joint inventor Carlos SALA, who is also the legal representative of the deceased).

Declaration of Inventors

The declaration filed 15 May 2011 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**.

For the above reasons, the 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 to continue national stage processing of the application in accordance with this decision including processing the application in the names of Carlos SALA, Mariano BULOS, Sherry R. WHITT, Brigitte J. WESTON, Adrianna Mariel ECHARTE, and Bijay K. SINGH.

/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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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Dirk Adam et al.	:	
Application No. 12/594,306	:	NOTICE
Filed: February 05, 2010	:	
Attorney Docket No. H01.214682-US01	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 16, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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JUL 27 2011

OFFICE OF PETITIONS

VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

In re Application of	:	
Dirk Adam et al.	:	
Application No. 12/594,306	:	NOTICE
Filed: February 05, 2010	:	
Attorney Docket No. H01.214682-US01	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 July 06, 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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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PATENT GROUP
C/O DLA PIPER US LLP
203 N. LASALLE ST., SUITE 1900
CHICAGO IL 60601

In re Application of LEE, Geongjin, et al. Application No.: 12/594,430 PCT No.: PCT/CA2008/000623 Int. Filing Date: 02 April 2008 Priority Date: 02 April 2007 Docket No.: FIO-09-5030WO-US For: SYSTEM AND METHOD OF CONVOLVING MULTIPLEXED FLUORESCENCE SPECTRAL SIGNALS GENERATED BY QUANTUM DOT OPTICAL CODING TECHNOLOGY	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 August 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 August 2010, applicants filed a petition under 37 CFR 1.47(a), accompanied by the fee for a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The petition fee has been paid. Applicant states the last known address of the non-signing inventor Warren C.W. Chan as #0308-477 Richmond Street West; Toronton, ON M5V 3E7

Item (2) has not been satisfied. Dr. Chan was only served with the declaration and a complete copy of the application papers on 22 July 2010. Mr. Holbeche received an email in response to that service, but it is not of record. Mr. Holbeche does not contend that it was a refusal to participate. Insufficient time passed between serving Dr. Chan with a complete copy of the application papers and the filing of this petition for the Office to construe a failure to return the declaration as a refusal to cooperate. One month is considered a reasonable period for reply.

Item (4) has not been satisfied. The declaration executed on behalf of the nonsigning inventor is defective. While it is acceptable for inventors to execute separate copies of the oath or declaration, each complete copy of the oath or declaration must be returned to the Office. It is not acceptable to piece together pages from separate copies to create a single composite declaration. The declaration includes one page 1 and two supplemental sheets 1 of 1, that list the same inventors, but were separately executed, which indicates that at least two copies of the declaration were executed. Further, the first named inventor on the international application is "LEE, Geongjin," but on the declaration is "LEE, Jeongjin." If this discrepancy is the result of a typographical or transliteration error, then a statement to that effect, stating the correct spelling of the inventor's name can correct the error. MPEP 1893.01(e). The declaration does not comply with 37 CFR 1.497(a)-(b).

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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APR 13 2011

PCT LEGAL ADMINISTRATION

PATENT GROUP
C/O DLA PIPER US LLP
203 N. LASALLE ST., SUITE 1900
CHICAGO IL 60601

In re Application of	:	
LEE, Geongjin, et al.	:	
Application No.: 12/594,430	:	
PCT No.: PCT/CA2008/000623	:	
Int. Filing Date: 02 April 2008	:	DECISION
Priority Date: 02 April 2007	:	
Docket No.: FIO-09-5030WO-US	:	ON PETITION UNDER
For: SYSTEM AND METHOD OF	:	
CONVOLVING MULTIPLEXED	:	37 CFR 1.47(a)
FLUORESCENCE SPECTRAL	:	
SIGNALS GENERATED BY	:	
QUANTUM DOT OPTICAL CODING	:	
TECHNOLOGY	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 17 December 2010.

BACKGROUND

On 19 October 2010, the Office mailed Decision On Petition dismissing applicants' petition under 37 CFR 1.47(a).

On 17 December 2010, applicants filed a renewed petition under 37 CFR 1.47(a), accompanied by a declaration of the inventors.

DISCUSSION

As applicants have obtained the signature of the non-signing inventor, this petition under 37 CFR 1.47(a) is moot.

However, the first named inventor on the international application is "LEE, Geongjin," but on the declaration is "LEE, Jeongjin." If this discrepancy is the result of a typographical or transliteration error, then a statement to that effect, stating the correct spelling of the inventor's name can correct the error. MPEP 1893.01(e). Currently, the declaration does not 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**.

A proper reply 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 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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AUG 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LEE, Jeongjin, et al. :
Application No.: 12/594,430 :
PCT No.: PCT/CA2008/000623 :
Int. Filing Date: 02 April 2008 :
Priority Date: 02 April 2007 :
Docket No.: FIO-09-5030WO-US :
For: SYSTEM AND METHOD OF CONVOLVING MULTIPLEXED FLUORESCENCE SPECTRAL SIGNALS GENERATED BY QUANTUM DOT OPTICAL CODING TECHNOLOGY :

DECISION

This is a decision on applicants' response to the Decision on Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 10 June 2011.

BACKGROUND

On 13 April 2011, the Office mailed Decision On Petition dismissing applicants' petition under 37 CFR 1.47(a) as moot and requesting clarification of the spelling of the first inventor's name.

On 10 June 2011, applicants filed this response.

DISCUSSION

The first named inventor on the international application is "LEE, Geongjin," but on the declaration is "LEE, Jeongjin." Applicants have provided a copy of the Request form showing that the inventor's name was spelled "LEE, Jeongjin" and that the typographical error apparently occurred in publication. The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's statement under 1893.01(e) 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
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NOV 02 2010

PCT LEGAL ADMINISTRATION

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

In re Application of LIN et al.	:	
Application No.: 12/594,533	:	DECISION ON
PCT No.: PCT/GB08/50216	:	
Int. Filing: 26 March 2008	:	PETITION TO REVIVE
Priority Date: 05 April 2007	:	
Attorney Docket No.: P10,0197	:	UNDER 37 CFR 1.137(b)
For: MULTI-AXIS SERIALLY REDUNDANT, SINGLE CHANNEL, MULTI-PATH FLY-BY-WIRE FLIGHT CONTROL	:	

This is a decision on applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 11 August 2010.

BACKGROUND

On 02 October 2009, within the thirty month period, applicant filed a Transmittal Letter (Form PTO 1390) requesting entry into the U.S. national stage and paid the basic national fee as required by 35 U.S.C. 371(c).

On 02 February 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. Applicant was given a two month period within which to respond. Extensions of time were available.

On 11 August 2010, applicant filed a petition to revive along with the petition fee of $1620. The $130 surcharge for filing the declaration after the thirty month period was charged to applicant's deposit account per his authorization.

DISCUSSION

The due date for a response to the 905 was 2 months from the mail date or 02 April 2010. The extensions of time set forth in the 905 were those available under 37 CFR 1.136(a) for a period of up to 5 months. The five month extendable period expired on 02 September 2010.

The applicant filed a reply within the five month period or on 11 August 2010. Therefore, the application was not abandoned and a petition to revive is not required. Applicant's petition to revive is being treated as a request for a five month extension of time, which is granted. The fee for the five month extension of time ($2350) will be charged to applicant's deposit account per his authorization. The petition fee of $1620 will be refunded. Applicant's petition to revive is dismissed as moot.

A review of the declaration submitted in response to the 905 on 11 August 2010 indicates that it is in compliance with 37 CFR 1.497(a) and (b) and acceptable. The surcharge for filing the declaration after the thirty month period was also paid.

CONCLUSION

For the reason set forth above, applicant's petition to revive under 37 CFR 1.137(b) is **DISMISSED AS MOOT**. The fee for the five month extension of time ($2350) will be charged to applicant's deposit account per his authorization.

The declaration submitted on 11 August 2010 is acceptable and in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 11 August 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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: 130/0002	Application Number (if known): 12/594,588	Filing date: 11-30-2009

First Named Inventor: Grassman, Walter

Title: METHOD AND DEVICE FOR THE UTILIZATION OF SOLAR ENERGY

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /William A. Loginov/	Date 11/03/2010
Name (Print/Typed) William A. Loginov	Registration Number 34,863

***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.

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.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/594,588	11/30/2009	Walter Grassmann	130/0002	5342

77099 7590 11/22/2010
LOGINOV & ASSOCIATES, PLLC
10 WATER STREET
CONCORD, NH 03301

EXAMINER

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
11/22/2010	ELECTRONIC

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

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

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

wloginov@loginovlaw.com
kdraus@loginovlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOGINOV & ASSOCIATES, PLLC
10 WATER STREET
CONCORD NH 03301

NOV 22 2010

In re Application of	:	
Grassmann	:	DECISION ON PETITION
Application No. 12/594,588	:	TO MAKE SPECIAL UNDER
Filed: 11/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **130/0002**	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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FARIBA SIRJANI
925 DELWARE AVENUE, APT. 9C
BUFFALO, NY 14209

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Christopher Hankison	:	
Application No. 12/594,591	:	DECISION ON PETITION
Filed: August 19, 2010	:	TO WITHDRAW
Attorney Docket No. 2770/PCT/US	:	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

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FARIBA SIRJANI
925 DELWARE AVENUE, APT. 9C
BUFFALO, NY 14209

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Christopher Hankinson, et al.	:	
Application No. 12/594,592	:	DECISION ON PETITION
Filed: April 14, 2010	:	TO WITHDRAW
Attorney Docket No. 15246USECT	:	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

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24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 Galleria Parkway, S.E.
Ste. 1500
Atlanta, GA 30339-5994

MAILED
OCT 28 2010
PCT LEGAL ADMINISTRATION

In re Application of
HIGHT, Thomas H.
U.S. Application No.: 12/594,605
PCT No.: PCT/US2008/059425
Int. Filing Date: 04 April 2008
Priority Date: 04 April 2007
Docket No.: 410801-1010
For: NIACIN-BASED PHARMACEUTICAL COMPOSITIONS

DECISION

This is a decision on applicant's request for refund filed 19 August 2010.

BACKGROUND

On 17 February 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 17 August 2010, applicant filed an executed declaration, a $65.00 surcharge fee, and a four-month extension request with a $865.00 extension fee.

On 19 August 2010, applicant filed the subject request for a refund of the four-month extension fee which was accompanied by, *inter alia*, a copy of applicant's docket record for the above-captioned application.

On 20 August 2010, the DO/EO/US mailed a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and filing receipt.

DISCUSSION

Applicant claims that the Form PCT/DO/EO/905 mailed 17 February 2010 was not discovered until 29 July 2010. As such, applicant requests that the four-month extension fee of $865.00 submitted with the response filed 17 August 2010 be refunded.

For the refund request to be granted, applicant must show that the Form

PCT/DO/EO/905 mailed 17 February 2010 was not received.

The showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO; (2) a statement that the Office action was not received at the correspondence address of record; (3) a statement that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received; and, (4) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed is required. *See* MPEP § 711.03(c)(I)(A).

In this case, applicant provided the required statement that the Form PCT/DO/EO/905 was not received, and that a search of the practitioner's physical and electronic records, indicates that the Office action was not received. Applicant included copies of the docketing sheets showing all incoming and outgoing items for this case.

A review of the docket records provided shows that the Form PCT/DO/EO/905 was not recorded as received. However, this evidence is not sufficient to establish the failure to receive an Office communication.

A single document containing only docket information on the U.S. application in question shows no other corroborating information to add weight and credibility to the information contained therein and can be too easily manipulated.

Section 711.03(c)(I) (A) of the MPEP expands on the docket record requirement and states that:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include **the master docket for the firm**. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question

In order to satisfy the docket record requirement to prove nonreceipt of an Office communication, applicant must provide a copy of counsel's docket records for the date upon which a response to the Notification of Missing Requirements was due (*i.e.*, 17 April 2010). An example of such a record would be a daily "tickler" report or a daily log

showing all applications for which a response is due on that date. In addition, applicant should describe their system used for recording an Office action received at the correspondence address of record.

For these reasons, applicant has not met all of the requirements required to establish nonreceipt of the Form PCT/DO/EO/905 mailed 17 February 2010.

CONCLUSION

For the reasons discussed above, applicant's request for a refund is **DISMISSED** without prejudice.

If reconsideration of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

The application is being forwarded to Art Unit 1614 for further processing.

James Thomson

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.
12/594,645	10/05/2009	Takanobu Nakaguro	03284.0109-00000	5768

22852 7590 07/08/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
TYLER, CHERYL JACKSON

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
07/08/2011	PAPER

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

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

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

In re Application of: NAKAGURO, TAKANOBU Serial No.: 12/594645 Filed: October 5, 2009 Attorney Docket No. : 03284.0109-00000 Title: VEHICLE HUMIDIFYING/DEHUMIDIFYING DEVICE	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 23, 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 corresponding application(s) 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 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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United States Patent and Trademark Office
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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED
JUL 27 2011
OFFICE OF PETITIONS

In re Patent No. 7,946,385	:	
Issued: May 24, 2011	:	
Application No. 12/594,657	:	ON PETITION
Filed: October 5, 2009	:	
Attorney Docket No. 0540-1174	:	

This is a decision on the petition under 37 CFR 1.182, filed July 8, 2011, requesting issuance of duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

The Publishing Division is directed to issue duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at 571-272-7751. Any questions concerning issuance of the duplicate Letters Patent should be directed to Ollie Person at 703-756-1555 or Kimberly Terrell at 703-756-1568.

A copy of this decision is being forwarded to Publishing Division for issuance of duplicate Letters Patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Ollie Person, RSQ 09 D 30-A (FAX 571-270-9764)
Kimberly Terrell, RSQ 09 D 33 (FAX 571-270-9958)

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MAILED

MAR 14 2011

OFFICE OF PETITIONS

FARIBA SIRJANI
925 DELWARE AVENUE, APT. 9C
BUFFALO, NY 14209

In re Application of	:	
Ian Hamilton Dryburgh	:	
Application No. 12/594,666	:	DECISION ON PETITION
Filed: October 5, 2009	:	TO WITHDRAW
Attorney Docket No. 15256USECT	:	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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/594,694	10/05/2009	Rainer Fislage	FRSN-101US	6061

23122 7590 08/19/2010
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER
FORTUNA, ANA M

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
08/19/2010	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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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

Applicant: Fislage et al.
Appl. No.: 12/594,694
Filing Date: October 5, 2009
Title: HOLLOW FIBER CAPILLARY MEMBRANE AND METHOD FOR THE PRODUCTION THEREOF
Attorney Docket No.: FRSN-101US
Pub. No.: US 2010/0163488 A1
Pub. Date: July 1, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 17, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 08/20/2010 KKING1
08/18/2010 INTEFSW 00000512 12594694
02 FC:1504 -300.00 OP

Refund Ref:
08/20/2010 0030087542

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1003

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/19/11

TO SPE OF : ART UNIT 2444

SUBJECT : Request for Certificate of Correction for Appl. No.: 12594723 Patent No.: 7908386

CofC mailroom date: 10/03/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Should the changes to claim 12 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

x **Approved** — **All** changes apply.

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

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

Comments: _____

/Peter-Anthony Pappas/ — 2444

SPE — **Art Unit**

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference KS 00507 WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2008/054094	International filing date *(day/month/year)* 04 April 2008 (04.04.2008)	Priority date *(day/month/year)* 05 April 2007 (05.04.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KURARAY 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 8 sheets, including this cover sheet.

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

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

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

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

	Date of issuance of this report 06 October 2009 (06.10.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

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

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

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2008/054094	04.04.2008	05.04.2007

International Patent Classification (IPC) or both national classification and IPC
INV. B32B17/10 C03C27/12 C08K3/36 C08L29/14

Applicant
KURARAY CO., LTD.

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Lindner, Thomas Telephone No. +49 89 2399-8976

Box No. I Basis of the opinion

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

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

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

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

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

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-11
	No:	Claims	
Inventive step (IS)	Yes:	Claims	5
	No:	Claims	1-4,6-11
Industrial applicability (IA)	Yes:	Claims	1-11
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. Reference is made to the following documents:
   D1 : EP 0 227 633 A2 (MONSANTO CO [US]) 1 July 1987 (1987-07-01) cited in the application
   D2: DE 197 56 274 A1 (HUELS TROISDORF [DE]) 24 June 1999 (1999-06-24) cited in the application

2. The international application concerns an interlayer film for laminated glazings wherein the film comprises
   (A) polyvinyl acetal,
   (B) at least one plasticizer,
   (C) fumed silica, and
   (D) at least one basic compound.
   Characterizing feature is the relative amount of silica with respect to the combined amount of (A) and (B) and the maximum difference of refractive index between fumed silica and plasticized polyvinyl acetal (claim 1).

   Claims 9 and 10 pertain to a multilayer films for the same purpose which comprise at least one layer of plasticized polyvinyl acetal and at least one layer of a film satisfying the above features.

Article 33(2) and (3) PCT

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

3.1 Adding fumed silica to a polyvinyl acetal resin, particularly polyvinyl butyral (PVB), is known from D1 and D2.

   D1 (the passages in parenthesis referring to this document) is concerned with a PVB containing interlayer for laminated glass which includes phosphorus-based

compounds acting as plasticizers and as fire-retarding agents (features (A) and (B) of present claim 1).
Disodium phosphate is used as a basic component (Example 2, page 5, line 18 and page 3, lines 22 to 26) (present feature (D)).

Fumed silica is employed as a nucleating agent for triggering char formation.
Its amount ranges from about 2 to about 8 and preferably 2 to 5% by weight , based on the combined weight of nucleating agent, plasticizer blend and bonding agent (p.3, ll.51-53) (present feature (C) and the required ratio C/(A+B)).

The nucleating agent should have a refractive index which is within +/- 0.03 of the plasticized formulation to avoid imparting any significant haze to the interlayer in which it is dispersed (p.3, ll.43 and 44).

Thus, the only difference between the general disclosure of D1 and the subject-matter of present claim 1 resides in the upper limit of the tolerable deviation of the respective refractive indices.
In the light of the fact that it is evident that a mismatch of 0 would be best, the subject-matter of present claim 1 lacks inventive step over the disclosure of D1.

3.2 D2 discloses enhanced compressive shear resistance of a plasticized PVB layer supplemented with amorphous (pref. pyrogenic) silica (above features (A) to (C)).

The presence of a bond strength adjusting agent consisting of an alkali metal salt or an alkaline earth metal salt of a carboxylic acid is stated to be a conventional feature (p.2, ll.20-22).

Thus, the subject-matter of present claim 2 is obvious from the teaching of D2 in combination with that of D1.

3.3 A thickness of 0.76 mm of the interlayer is conventional and is envisaged by D1, too - see Examples 1 and 2 of D1 (p.4, l.33, and p.5, l.8, respectively).

D1 aims at providing an optically transparent, fire-resistant interlayer of plasticized polyvinyl butyral (PVB) useful in laminated safety glass assemblies (p.2, ll.32 and 33). In Example 2, the haze level of the resulting interlayer was measured to lie around 3-5% which is comparable with the conventional, non-fire-resistant film of Example 1 (p.5, ll.19 and 20).
It is apparent that an even lower haze would be desirable.

Since the subject-matter of claim 3 merely includes this desire, but no technical feature as to how to achieve it, it lacks an inventive step.

3.4 Having regard to the attention paid to the presence of an alkaline component according to the teaching of D1, the subject-matter of present claim 4 is judged to be obvious.

3.5 The subject-matter of claims 6 to 8 is directed to a certain desired property and/or the absence of the change of the glass transition temperature of the interlayer film material, both effects being induced by the presence of fumed silica.

With respect to the first effect, it must be concluded that it should also be displayed by the material disclosed in D1, because the same features should result in the same properties.

With respect to the second requirement, it is observed that it apparently does not necessitate any additional measure in order to assure that the PVB is not modified drastically by an interaction, because no such feature is present in either present claim 1 or present claims 7 and 8.
Again, it must be concluded that the presence of fumed silica does not lead to an increase of the glass transition temperature, be it in a material as presently claimed or the material disclosed in D1.

3.6 Multilayer films of a conventional plasticized PVB layer and a modified PVB are state of the art, for instance, the combination of standard PVB and acoustic PVB.

Claiming the same approach now for a silica-containing PVB does not involve an inventive step (subject-matter of present claims 9 and 10).

3.7 The subject-matter of present use claim 11 is known from D1 or obvious from this citation in the light of the common knowledge in the art.

Miscellaneous

4.1 Decimal points should be used when referring to floating point figures throughout the specification.

4.2 The primary particle size of fumed silica indicated in line 2 at page 6 is not credible.

5. If amendments are filed, care should be taken not to introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based.

Amendments should be made by filing replacement pages. Unnecessary recasting of the description should be avoided. An amended abstract is not required.
If handwritten amendments are submitted, they should be clearly legible.

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:	12/594,737	Filing date:	October 5, 2009
First Named Inventor:	Uwe Keller		
Title of the Invention:	Interlayer Films For Laminated Glazing Containing Silica With Specific Refractive Index		

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/EP2008/054094

The international filing date of the corresponding PCT application(s) is/are: April 4, 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.:	12/594,737
First Named Inventor:	Uwe Keller

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 6, 2011

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 6, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1,5	Rewritten in US format amended to include the limitations of PCT claim 5
13	2	Rewritten in US format. Dependent on claim 12
14	3	Rewritten in US format. Dependent on claim 12
15	4	Rewritten in US format. Dependent on claim 12
17	6	Rewritten in US format. Dependent on claim 12
18	7	Rewritten in US format. Dependent on claim 12
19	8	Rewritten in US format. Dependent on claim 12
20	9	Rewritten in US format. Dependent on claim 12
21	10	Rewritten in US format. Dependent on claim 20
22	11	Rewritten in US format. Dependent on claim 12
23	11	Rewritten in US format. Dependent on claim 20
24	11	Rewritten in US format. Dependent on claim 22
25	11	Rewritten in US format. Dependent on claim 22

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 20, 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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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.
12/594,737	10/05/2009	Uwe Keller	KURA0111PUSA	6276

22045 7590 06/16/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
1787	

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.

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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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JUN 16 2011

CT

In re application of Uwe Keller et al Serial No. 12/594,737 Filed: October 5, 2009 For: INTERLAYER FILMS FOR LAMINATED GLAZING CONTAINING SILICA WITH SPECIFIC REFRACTIVE INDEX	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 21, 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, or USPTO;

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

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

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

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

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

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

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

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).

Independent claim 12 of the present application is drawn to an interlayer film for laminated glass. Independent claim 1 of PCT/EP08/054094 is drawn to an interlayer film as well. Note that while newly added claims 22-25 of the present application depend from claim 12, claims 22-25 are drawn to a safety glass glazing and not to an interlayer film.

A clarification of the term "claim correspondence" is given in the OG Notice of January 23, 2010. Specifically, in section (B)(3)(b), it is stated that claims are considered to "sufficiently correspond" where "the claims in the US application are of the same or similar scope of the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application".

Here, as present claims 22-25 do not appear to be of the same or similar scope as claims 1-11 of the PCT application which were indicated as having novelty, inventive step and industrial applicability; and as claims 22-25 are not narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability, present claims 22-25 do not appear to sufficiently correspond to claims 1-11 of the PCT application.

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST.
NEW YORK NY 10017

MAILED

NOV 01 2011

OFFICE OF PETITIONS

Applicant: Adolfo Garcia-Sastre, et al.
Appl. No.: 12/594,774
International Filing Date: April 7, 2008
Title: METHODS OF PREVENTING AND TREATING VIRAL INFECTIONS BY INHIBITING THE DELSGYLATION ACTIVITY OF OTU DOMAIN-CONTAINING VIRAL PROTEINS
Attorney Docket: 6923-144-999
Pub. No.: US 20110033498A1
Pub. Date: February 10, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 8, 2011 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title of the invention "METHODS OF PREVENTING AND TREATING VIRAL INFECTIONS BY INHIBITING THE DELSGYLATION ACTIVITY OF OTU DOMAIN-CONTAINING VIRAL" Should read "METHOD OF PREVENTING AND TREATING VIRAL INFECTIONS BY INHIBITING THE DEISGYLATION ACTIVITY OF OTU DOMAIN-CONTAINING VIRAL PROTEINS".

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 on the front page of the publication wherein the title of the invention "METHODS OF PREVENTING AND TREATING VIRAL INFECTIONS BY INHIBITING THE DEISGYLATION ACTIVITY OF OTU DOMAIN-CONTAINING VIRAL

[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).

PROTEINS" is misprinted as "METHODS OF PREVENTING AND TREATING VIRAL INFECTIONS BY INHIBITING THE DELSGYLATION ACTIVITY OF OTU DOMAIN-CONTAINING VIRAL PROTEINS" is not a material Office error under 37 CFR 1.221(b). The mistake is a minor typographical error and it 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.

On November 1, 2010, a Filing Receipt was mailed by the Office, which improperly listed the title. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

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

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

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

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

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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Washington, D.C. 20231
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NOV 02 2010

PCT LEGAL ADMINISTRATION

EDWARDS ANGELL PALMER & DODGE, LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
LIU, et al.	:	DECISION ON PETITION
Serial No.: 12/594,777	:	
PCT No.: PCT/US2008/004513	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 07April 2008	:	
Priority Date: 05 April 2007	:	
Atty Docket No.: 81565 (71699)	:	
For: CHIRALLY PURE ISOMERS OF	:	
ITRACONAZOLE AND INHIBITORS OF	:	
LANOSTEROL 14A-DEMETHYLASE FOR USE	:	
AS ANGIOGENESIS INHIBITORS	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 01 September 2010 in the United States Patent and Trademark Office (USPTO). AS authorized, the $200.00 petition fee will be charged to deposit account number 04-1105.

BACKGROUND

On 07 April 2008, applicant filed international application PCT/US2008/004513 which claimed priority to a previous application filed 05 April 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 05 October 2009.

On 05 October 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an Application Data Sheet.

On 01 March 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 01 September 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time. With payment of the four-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 3 and 4.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case, it does not appear that a complete set of application papers were mailed to the non-signing inventors. Absent firsthand knowledge that a complete set of application papers was mailed to the inventors it is not possible to accept their subsequent silence as a refusal nor grant applicant's petition at this time. In addition, regarding a diligent effort to locate the non-signing inventors, applicant has not provided any evidence of these searches, i.e, results of telephone directory or internet searches. As such, 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
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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P.O. BOX 55874
BOSTON MA 02205

MAILED
JUN 27 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
LIU, et al.	:	
U.S. Application No.: 12/594,777	:	DECISION ON PETITION
PCT No.: PCT/US2008/004513	:	
Int. Filing Date: 07 April 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: 05 April 2007	:	
Attorney Docket No.: 81565 (71699)	:	
For: CHIRALLY PURE ISOMERS OF	:	
ITRACONAZOLE AND INHIBITORS OF	:	
LANOSTEROL 14A-DEMETHYLASE FOR USE	:	
AS ANGIOGENESIS INHIBITORS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47 filed 02 May 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 November 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to respond and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 02 May 2011, applicant filed the presently discussed paper which is being treated as a renewed petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The response is timely filed.

DISCUSSION

As detailed in the decision mailed 02 November 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

As detailed in applicant's response of 02 May 2011, applicant has located the previously non-signing inventor and currently provided a declaration signed by all of the inventors. As applicant has now provided signed declarations by all of the inventors listed on the published international application, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

CONCLUSION

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

The application has an international filing date of 07 April 2008 under 35 U.S.C. 363, and will be given a date of **02 May 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. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Eyal EMMANUEL, et al	:	
Application No. 12/594,853	:	NOTICE
Filed: February 25, 2010	:	
Attorney Docket No. 47062	:	

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

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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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.
12/594,901	01/15/2010	Anil Umesh	17470/034001	7837

22511 7590 07/26/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
PHAM, CHI H

ART UNIT	PAPER NUMBER
2471	

NOTIFICATION DATE	DELIVERY MODE
07/26/2011	ELECTRONIC

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

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

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

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: Umesh et al.
Application No. 12/594901
Filed: 01/15/10
For: WINDOW CONTROL AND RETRANSMISSION CONTROL METHOD AND TRANSMITTING-SIDE 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 June 16, 2011 to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application 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 KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h) if filed before May 25, 2010.

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

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

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

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

___/Tod Swann/_____
Tod Swann
Quality Assurance Specialist
Technology Center 2400

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

MAILED
APR 17 2012
OFFICE OF PETITIONS

In re Application of	:	
Seiichi Ozawa	:	
Application No. 12/594,916	:	DECISION GRANTING PETITION
Filed: December 22, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q115373	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 17, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 19, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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GORE ENTERPRISE HOLDINGS, INC.
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P.O.BOX 9206
NEWARK, DE 19714-9206

MAILED

MAR 3 1 2011

OFFICE OF PETITIONS

Applicants: Tomoyuki Takame, et al.
Appl. No.: 12/594,961
International Filing Date: February 26, 2008
Title: METHOD FOR PRODUCING POLYMER ELECTROLYTE MEMBRANE FOR SOLID POLYMER FUEL CELL, MEMBRANCE ELECTRODE ASSEMBLY FOR SOLID POLYMER FUEL CELL, AND SOLID POLYMER FUEL CELL
Attorney Docket: MI/323
Pub. No.: US 2010/0167160 A1
Pub. Date: July 1, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 20, 2010, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains an error wherein the word "EELCTRODE" be changed to "ELECTRODE", and in paragraph 0029 "$Zr(O\text{-}t\text{-}C_3H_7)_4$" be changed to "$Zr(O\text{-}n\text{-}C_3H_7)_4$".

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 request is dismissed as the application papers submitted by Applicant do not correspond to PCT/JP2008/053271.

The application is being forwarded to the Office of PCT Legal Administration for review.

[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 March 24, 2010, a Filing Receipt was mailed by the Office, which incorrectly listed the title. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

21 SEP 2010

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	DECISION ON
Hong et al	
Application No: 12/595,011	
PCT No.: PCT/US2008/59669	PETITION UNDER
Int. Filing Date: 08 April 2008	
Priority Date: 09 April 2007	
Attorney's Docket No.: 16113-0546US1	
For: CLIENT INPUT METHOD	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 16 July 2010.

BACKGROUND

On 07 October 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 16 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 21 July 2010, petitioner filed the present petition, a declaration in support of filing on behalf of missing co-inventor Alan (Quji) Guo accompanied, inter alia, an executed Declaration without the signature of Alan Guo.

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) and (3) -(4) of 37 CFR 1.47(a) but not requirement (2).

Regarding requirement (2), the averments of Ms. McGuirk are not sufficient to support a finding that the nonsigning joint inventor, Gao, refuses to sign. Although a complete copy of the application papers were mailed on March 8, 2010 by Federal Express to his two last known addresses and each packaged was delivered, Ms. McGuirk contacted Mr. Gao on July 9, 2010 and he responded on July 11, 2010 to her by email that "Ok, will do," (i.e., that he would sign the documents). Nevertheless, the petition was filed on July 16, 2010 only five days after receiving Mr. Gao's email which makes this a short time period to make a determination that Mr. Gao refuses to sign the papers. He may have been still reviewing the papers.

Regarding requirement 3, petitioner has provided a statement of the last known address of the missing inventor.

QUJI GUO
1228 Corinadi Drive, #17
Sunnyvale, CA 94086

Regarding item (4), petitioner has provided a properly executed declaration under 37 CFR 1.47(a).

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

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PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	DECISION ON RENEWED
Hong et al	:	
Application No: 12/595,011	:	
PCT No.: PCT/US2008/59669	:	PETITION UNDER
Int. Filing Date: 08 April 2008	:	
Priority Date: 09 April 2007	:	
Attorney's Docket No.: 16113-0546US1	:	
For: CLIENT INPUT METHOD	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 22 November 2007.

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 (2) had not been satisfied.

On 22 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 Alan (Quji) Guo.

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 22 November 2010 has still not satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the previous petition indicated that Ms. McGuirk mailed the application papers on 08 March 2010, and that it was received by him. Also on July 9, 2010 (Mr. Guo stated- Ok, will do) and July 12, 2010 Ms. McGuirk and Mr. Guo communicated with each other but no documentary evidence to support her assertions have been provided to show such actions, such as the mail receipt showing that Mr. Guo did receive the application (by signing for it) and the emails forwarded by Ms. McGuirk and Mr. Hsieh to him and his responses.

In the renewed Kristine M. McGuirk has provided a supplemental statement of facts in which she outlines the additional steps she took to contact Mr. Guo by email on 17 November 2010 via the email **alanguo@gmail.com.** However, petitioner has not provided any evidence that the emails were received by Mr. Guo such as "an acknowledgment receipt," especially as he has changed his emails (previously he used aguo@google). Also, the time to response was too short as he was only give 2 days, November 19.

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 joint inventor. Absent further firsthand evidence that the email was received by the nonsigning joint inventor, item (2) cannot be considered satisfied.

Consequently, at this time it can not be concluded that Mr. Guo has refused to sign the documents.

Accordingly, the petition has still not met the requirements 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
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PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C.
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In re Application of	:	DECISION ON RENEWED
Hong et al	:	
Application No: 12/595,011	:	
PCT No.: PCT/US2008/59669	:	PETITION UNDER
Int. Filing Date: 08 April 2008	:	
Priority Date: 09 April 2007	:	
Attorney's Docket No.: 16113-0546US1	:	
For: CLIENT INPUT METHOD	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 16 May 2011.

BACKGROUND

In a decision from this Office on 16 March 2011, the renewed petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 16 May 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 16 March 2011 with respect to accepting the above application without the signature of co-inventor Quji Guo.

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

Regarding item (2), a review of the declarations provided by Ms. McGuirk and the evidence provided shows that the non-signing co-inventor Guo had received a copy of the application papers and has not returned the required papers signed. As a result, his lack of response constitute a refusal as contemplated by MPEP §409(d)(II).

Consequently, at this time it can be concluded that Mr. Guo 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**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **16 July 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.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
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Facsimile: (571) 272-0459

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Quji Guo
2506 Tower A
Ocean Intl Center
No. 56 Dong Si Huan Zhong Road
Beijing China
100025

MAILED
NOV 04 2011
PCT LEGAL ADMINISTRATION

In re Application of
Hong et al
Application No: 12/595,011
PCT No.: PCT/US2008/59669
Int. Filing Date: 08 April 2008
Priority Date: 09 April 2007
Attorney's Docket No.: 16113-0546US1
For: CLIENT INPUT METHOD

Dear: Guo,

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
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Facsimile: (571) 273-0459

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JUL 27 2011

PCT LEGAL ADMINISTRATION

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of
ZDEBLICK
Application No.: 12/595,033
PCT No.: PCT/US09/59704
Int. Filing Date: 06 October 2009
Priority Date: 09 February 2009
Attorney's Docket No.: PRTS-139 (PRO-104)
For: SHIELDED STIMULATION AND SENSING SENSING SYSTEM AND METHOD

DECISION ON PETITION UNDER 37 CFR 1.181(b)

This decision is on applicant's 28 September 2010 "Petition under 37 CFR 1.181(b) to correct the PCT international application number in the above referenced application in the United States Patent and Trademark Office (USPTO) records. No petition fee is required.

On 07 October 2009, applicant filed a request for entry of PCT/US09/59704 into the U.S. national stage under 35 U.S.C. 371 along with, *inter alia*, the basic national fee.

A review of the USPTO records reveals that 12/595,033 is the U.S. national stage application of PCT/US09/59704. Therefore, applicant's request under 37 CFR 1.181(b) is dismissed as moot.

The declaration originally submitted on 14 April 2010 is acceptable and meets the requirements of 37 CFR 1.497(a) & (b).

The application will be forwarded to the United States Designated/Elected Office for further processing.

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

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

- 9 SEP 2010

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WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
2030 MAIN STREET, SUITE 1300
IRVINE CA 92614

In re Application of	:	
LI, Shiqing	:	
Application No.: 12/595,040	:	
PCT No.: PCT/CN2008/000790	:	DECISION
Int. Filing Date: 17 April 2008	:	
Priority Date: 18 April 2007	:	
Attorney Docket No.: 17509-005	:	
For: SELF-ADAPTABLE RECHARGER	:	

This is a decision on applicant's petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 13 July 2010.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage 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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WALTHAM MA 02451

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DEC 14 2010
PCT LEGAL ADMINISTRATION

In re Application of :
Jaenisch et al :
Application No.: 12/595,041 :
PCT No.: PCT/US2008/004516 :
Int. Filing Date: 7 April 2008 : DECISION
Priority Date: 7 April 2007 :
Attorney Docket No.: WIBR-101-301 :
For: REPROGRAMMING OF SOMATIC CELLS :

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE," which is being treated as a petition under 37 CFR 1.182, filed on 13 October 2010 indicating that the executed declaration filed on 25 August 2010 contains the correct name of the inventor's name, which is Yaqub Hanna. The petition fee under 37 CFR 1.182 of $400.00 has been charged to petitioner's Deposit Account No.: 50-3655.

BACKGROUND

On 07 October 2009, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, but no executed declaration was filed at that time.

On 26 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 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 notification indicated that a oath or declaration must be submitted within two (2) months from the 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 25 August 2010, applicants filed an executed declaration.

On 13 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that, "the name of one inventor does not match that which is listed on the international application (i.e. Jacob Hanna on the IA vs Yaqub Hanna as listed on the oath). "

On 13 October 2010, applicants submitted the current petition stating that the correct name of the second joint inventor is Yaqub Hanna as indicated in the submitted declaration, and not as published in the International application as Jacob Hannah.

DISCUSSION

The correct name of the second joint-inventor is as filed in the executed declaration on 25 August 2010 as Jacob Hanna, not as published in the international application. The petition states that the undersigned was informed after filing the application that the inventor's correct legal name is "Yaqub Hanna" as signed by on the declaration and not as originally filed as Jacob Hanna" on the international application and on some of the set of the declaration submitted. Accordingly, the correct name, Yaqub Hanna, now appears in the executed declaration signed by him filed on 25 August 2010 at the USPTO.

For the reasons above, the application may enter into national stage processing at this time.

DECISION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED** that the correct legal name of the second joint inventor is **Yaqub Hanna**.

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

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

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

MAILED
JAN 12 2011
OFFICE OF PETITIONS

Applicant: Kyle, et al.
Appl. No.: 12/595,066
International Filing Date: April 8, 2008
Title: BENZENESULFONYL COMPOUNDS AND THE USE THEREOF
Attorney Docket No.: 1861.2300002/JMC/THN
Pub. No.: US 2010/0063030 A1
Pub. Date: March 11, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 11, 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.

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : September 1,2011

In re Application of :

Toyoaki Nakajima

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12595100

Filed : 08-Oct-2009

Attorney Docket No : SIP047

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 1,2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

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

Office of Petitions

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	12595100
Filing Date	08-Oct-2009
First Named Inventor	Toyoaki Nakajima
Art Unit	2881
Examiner Name	DAVID SMITH
Attorney Docket Number	SIP047
Title	METHOD OF CONTROLLING MASS SPECTROMETER AND MASS SPECTROMETER

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	/Paul J. Kroon, Jr./
Name	Paul J. Kroon, Jr.
Registration Number	51902

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

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST TO
Takao Itoh, et al.	: PARTICIPATE IN THE PATENT
Application No.: 12/595,110	: PROSECUTION HIGHWAY
Filed: October 8, 2009	: PROGRAM AND PETITION
Attorney Docket No.: 12699/148	: TO MAKE SPECIAL UNDER
For: VEHICLE AND CONTROL METHOD	: 37 CFR 1.102(a)
THEREOF	:

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 October 5, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

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

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

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

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

The request to participate in the PPH pilot program and the present petition fails meet condition (4) above.

In this regard, since the application was allowed on February 2, 2012, the present petition cannot be granted.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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21140
Gregory L. Bradley
MEDRAD INC.
One Medrad Drive
Indianola, PA 15051

MAILED
OCT 20 2010
PCT LEGAL ADMINISTRATION

In re Application of
HIRSCHMAN *et al*
U.S. Application No.: 12/595,165
PCT No.: PCT/US2007/89101
Int. Filing Date: 28 December 2007
Priority Date: 01 January 2007
Docket No.: CT/07-007.PCT.US
For: SYSTEMS FOR INTEGRATED RADIOPHARMACEUTICAL GENERATION, PREPARATION, TRANSPORTATION AND ADMINISTRATION

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the request to add an inventor in the above-captioned application filed 02 August 2010.

BACKGROUND

On 17 February 2010, the 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) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 17 May 2010, applicants submitted a response which included the surcharge fee, a one-month extension fee and a ten-page declaration executed by fourteen joint inventors. The international publication ("WO 2008/083313") lists thirteen inventors.

On 02 July 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the current declaration was not in compliance with 37 CFR 1.497(a) and (b) because it contained additional inventors than listed on the international application. Applicants were given one month to respond, or any time remaining on the Form PCT/DO/EO/905.

On 02 August 2010, applicants submitted a declaration executed by two joint inventors which was accompanied by, *inter alia*, the subject petition; a $130.00

processing fee; a statement by the inventor being added; a statement by the assignee; and a copy of the ten-page declaration previously submitted.

DISCUSSION

Applicants request to add Mr. David M. GRIFFITHS as an inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added 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(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicants filed a statement by Mr. GRIFFITHS who requests to be added as an inventor in the above-captioned application. The statement declares that the error "occurred without any deceptive intention on my part." The processing fee of $130.00 has been paid. Items (1) and (2) of 37 CFR 1.497(d) are satisfied.

Applicants also submitted a written consent of the assignee, Medrad, Inc. This document was signed by Ms. Julie Coletti as the Chief Legal Officer of Medrad, Inc. The reel and frame number of the assignment was listed. However, the Consent of Assignee is <u>not</u> accepted for the following reason.

MPEP § 324(V)(A) states that: "[a] person having a title (manager, director, administrator, **general counsel**) that does not clearly set forth that person as an officer of the assignee is <u>not</u> presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee.

The position of **Chief Legal Officer** is <u>not</u> presumed to have authority to sign the statement on behalf of the assignee. Moreover, the submission also does not set forth that Ms. Coletti is authorized to act on behalf of the assignee. Item (3) of 37 CFR 1.497(d) is not satisfied.

Therefore, all the requirements of 37 CFR 1.497(d) are not yet complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

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

It is also noted that the declaration (originally filed 17 May 2010) is defective because it is a composite declaration. The ten-page declaration is composed of two page 5 of 8 and two page 6 of 8 and single pages for the rest of the declaration.

While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy presented to each inventor must be returned to the Office. *See* MPEP § 605.04(a).

The declaration also contains noninitialed, changes recorded on the mailing address of Scott GRIFFITH.

Any changes made in ink should be initialed and dated prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See* 605.04(a) MPEP. A new declaration executed by Mr. GRIFFITH 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.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Indianola, PA 15051

MAILED

MAR 22 2011

PCT LEGAL ADMINISTRATION

In re Application of
HIRSCHMAN *et al*
U.S. Application No.: 12/595,165
PCT No.: PCT/US2007/89101
Int. Filing Date: 28 December 2007
Priority Date: 01 January 2007
Docket No.: CT/07-007.PCT.US
For: SYSTEMS FOR INTEGRATED RADIOPHARMACEUTICAL GENERATION, PREPARATION, TRANSPORTATION AND ADMINISTRATION

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed request to add an inventor filed 20 January 2011.

BACKGROUND

On 20 October 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 20 January 2011, applicants filed the subject response which was accompanied by, *inter alia*, a one-month extension and $130.00 extension fee, a statement of the assignee, and an executed declaration.

DISCUSSION

As previously noted, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the original petition as the consent of the assignee, Medrad, Inc., was signed by Ms. Julie Coletti as the Chief Legal Officer of Medrad, Inc. This position is not presumed to have the authority to sign for an organization. In the renewed petition, applicants provided another consent of the assignee signed by Ms. Julie Coletti as the Corporate Secretary of Medrad, Inc. The position of Secretary is presumed to have authority to sign on behalf of the organization. *See* MPEP § 324(V)(A). The reel and frame number of the assignment was provided. This is sufficient to satisfy item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' renewed request to add David M. GRIFFITHS as an inventor pursuant to 37 CFR 1.497(d) is hereby **GRANTED**.

The declaration filed 20 January 2011 is acceptable.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 December 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 20 January 2011.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIB DATA SHEET

CONFIRMATION NO. 1367

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/595,207	03/23/2010 RULE	351	2873	NIKE.138825

APPLICANTS

Alan W. Reichow, Beaverton, OR;
Ryan C. Coulter, Portland, OR;

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

This application is a 371 of PCT/US08/60229 04/14/2008
which claims benefit of 60/923,434 04/13/2007
and claims benefit of 60/941,915 06/04/2007

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

04/14/2010

Foreign Priority claimed	☐ Yes ☑ No		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	☐ Yes ☑ No	☐ Met after Allowance				
Verified and Acknowledged	/HUY KIM MAI/ Examiner's Signature	Initials	OR	4	21	3

ADDRESS

SHOOK, HARDY & BACON L.L.P.
(NIKE, INC.)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BLVD.
KANSAS CITY, MO 64108-2613
UNITED STATES

TITLE

Unitary Vision Testing Center

FILING FEE RECEIVED		
832	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

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:	12/595,213	Filing date:	October 8, 2009
First Named Inventor:	Timo Hagemeister		
Title of the Invention:	Siloxanes Containing Methylol Groups		

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/EP2008/052289

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

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/595,213
First Named Inventor:	Timo Hagemeister

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 November 23, 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 November 23, 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, amended to address para.1 & 2 of Box VIII of the IPER, and for clarity
11	3	Rewritten in U.S. format and to eliminate multiple dependencies
13	4	Rewritten in U.S. format and to eliminate multiple dependencies
15	4	Rewritten in U.S. format and to eliminate multiple dependencies
17	5	Rewritten as dependent on claim 9 and to conform to U.S. format
18	6	Rewritten in U.S. format
19	7	"Use" claim rewritten as product claim
20	8	"Use" claim rewritten as process claim

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

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

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference Co10702	**FOR FURTHER ACTION** See item 4 below	
International application No. PCT/EP2008/052289	International filing date *(day/month/year)* 26 February 2008 (26.02.2008)	Priority date *(day/month/year)* 11 April 2007 (11.04.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant WACKER CHEMIE AG		

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

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

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

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

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

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

	Date of issuance of this report 10 November 2009 (10.11.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int

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)*	See form PCT/ISA/210
Applicant's or agent's file reference Co10702	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2008/052289	26.02.2008	11.04.2007

International Patent Classification (IPC) or both national classification and IPC
C07F7/18 C08G77/388

Applicant
WACKER CHEMIE AG

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 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/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2008/052289

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/EP2008/052289

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	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

1. Reference is made to the following document:

D1: US 3 432 536 A (SIMONEAU EDWARD T) 11 March 1969 (1969-03-11) mentioned in the application

2. Inventive step

Document D1 is considered to be the closest prior art and discloses (the references between parentheses relate to said document) an organopolysiloxane compound which has an N-methylol group and contains an Si-C-bonded group where R^4 = $-CH_2OH$ and R^6 = H (example 2). The present claim 1 differs therefrom in that it defines an alkyl radical R^5 instead of a hydrogen atom (difference 1), and an alkylene radical R^3 (e.g. propylene) instead of the -CO-propylene radical (difference 2). The technical effects of these differences are unknown. The objective problem addressed thus consists in providing an alternative to D1. Since the defined structure is neither obtainable by a person skilled in the art by obvious modification of the disclosed structure nor is taught in this way in the prior art, an inventive step is acknowledged for claim 1 under PCT Article 33(3).

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**

Claims 5 and 7 define the preparation process and the use of the inventive compound, and therefore meet the requirements of PCT Article 33(3) *per se*.

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. R^3 is a divalent radical (on this subject, see also page 7 lines 26 ff.) and therefore cannot comprise an alkyl, cycloalkyl radical, etc., since these are monovalent radicals. Claim 1 therefore does not meet the requirement of PCT Article 6.

2. The presence of a methylol group is essential to the definition of the invention (only then are the siloxanes postcrosslinkable; see page 7 lines 20 to 24), and therefore R^6 may only be a hydrogen atom. Since independent claim 1 does not contain this feature, it does not meet the requirement of PCT Article 6 in conjunction with PCT Rule 6.3(b) that each independent claim must contain all the technical features essential to the definition of the invention.

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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.
12/595,213	10/08/2009	Timo Hagemeister	WAS1034PUSA	1426

22045 7590 06/08/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
NELSON, LINDSAY ANN

ART UNIT	PAPER NUMBER
1766	

MAIL DATE	DELIVERY MODE
06/08/2011	PAPER

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

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

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Commissioner for Patents
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JUN 8 2011

CT

In re application of Timo Hagemeister et al Serial No. 12/595,213 Filed: October 8, 2009 For: SILOXANES CONTAINING METHYLOL GROUPS	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

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

The request and petition are **DISMISSED** as moot. Specifically, a non-final Office Action was mailed in this application on May 10, 2011.

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

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

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

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

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

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

Application No. 12/595,213

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

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

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

(5) Examination of the U.S. application has begun. Specifically, note that a non-final Office Action was mailed in this application on May 10, 2011

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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Minneapolis, MN 55440-1022

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NOV 16 2010

PCT LEGAL ADMINISTRATION

In re Application of
HONG *et al*
U.S. Application No.: 12/595,215
PCT No.: PCT/GB2004/005090
Int. Filing Date: 09 April 2008
Priority Date: 11 April 2007
Docket No.: 16113-0596US1
For: INPUT METHOD EDITOR INTEGRATION

DECISION

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

BACKGROUND

On 21 January 2010, the Office 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 was required. Applicants were given two months to respond with extensions of time available.

On 20 August 2010, applicants filed the subject response which was accompanied by, *inter alia*, a declaration signed by two of the three named inventors on behalf of the nonsigning inventor; a $200.00 petition fee; a five-month extension of time and $2,350.00 extension fee; and a statement of facts by Kristine M. McGuirk.

DISCUSSION

Applicants claim that co-inventor Quji GUO 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 nonsigning 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.

The $200.00 petition fee has been paid. Item (1) of 37 CFR 1.47(a) is satisfied.

Regarding item (2) of 37 CFR 1.47(a), applicant submitted a statement of facts

by Kristine M. McGuirk detailing the efforts made to obtain a signed declaration. No other documentary evidence was provided.

Applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d)(II) of the MPEP. Several pertinent segments are listed below:

> A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney . . .
>
> 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.** (Emphasis added).

Ms. McGuirk states that she submitted a copy of the subject application to the nonsigning inventor (to the two last known addresses of the nonsigning inventor) via Federal Express on 08 March 2010. However, applicants failed to provide copies of these documents (cover letter, FedEx receipts, etc.) with the subject petition.

In addition, Ms. McGuirk lists several dates that she contacted the nonsigning inventor via email in her statement of facts. Applicants also failed to provide copies of these documents with the subject petition. As discussed in MPEP § 409.03(d)(II) above, all relevant documentary evidence must be submitted.

For this reason, item (2) of 37 CFR 1.47(a) is <u>not</u> yet satisfied.

With regards to item (3) of 37 CFR 1.47(a), applicants provided two different addresses (in Cupertino, CA and Beijing, China) for the nonsigning inventor.

This is <u>not</u> acceptable. The inventor's most recent address (at which the inventor customarily receives mail) must be given to enable the Office to communicate directly with the inventor as necessary. *See* MPEP §§ 409.03(e) & 605.03.

Item (3) of 37 CFR 1.47(a) is also <u>not</u> satisfied.

Concerning item (4) of 37 CFR 1.47(a), applicants provided a declaration executed by two of the three named inventors on behalf of the nonsigning inventor as required. However, the two-page declaration consists of one Page 1 and two Page 2's. As such, the declaration is considered a composite declaration and is <u>not</u> acceptable.

Applicants must provide a complete copy of each declaration signed by each inventor and each declaration must identify the correct inventive entity.

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

CONCLUSION

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

A response to the subject decision regarding the petition under 37 CFR 1.47(a) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

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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MAR 24 2011
PCT LEGAL ADMINISTRATION

In re Application of
HONG *et al*
U.S. Application No.: 12/595,215
PCT No.: PCT/US2008/059760
Int. Filing Date: 09 April 2008
Priority Date: 11 April 2007
Docket No.: 16113-0596US1
For: INPUT METHOD EDITOR INTEGRATION

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 18 January 2011.

BACKGROUND

On 18 November 2010, a decision dismissing applicant's renewed petition under 37 CFR 1.47(b) was mailed. Applicants were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 18 January 2011, applicants filed the subject response which was accompanied by, *inter alia*, a declaration signed on behalf of the nonsigning inventor; a supplemental statement of facts by Kristine M. McGuirk; and documentary evidence in support of the petition (Documents 1-15; 1-2).

DISCUSSION

Applicants claim that co-inventor Quji GUO refuses to cooperate.

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

Items (2), (3) and (4) of 37 CFR 1.47(a) were not completed in the initial petition.

Regarding item (2) of 37 CFR 1.47(a), applicants failed to provide documentary evidence to support facts alleged in the statement of facts by Ms. McGuirk. In the renewed response, the 37 CFR 1.47(a) applicants submitted a supplementary

declaration by Mr. McGuirk along with the documentary evidence requested in the initial decision.

A review of the evidence shows that the nonsigning inventor has received a copy of the subject application and his lack of a response constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). This evidence is sufficient to satisfy item (2) of 37 CFR 1.47(a).

With regards to item (3) of 37 CFR 1.47(a), applicants provided the last known address of the nonsigning inventor at which the inventor customarily receives mail. Item (3) of 37 CFR 1.47(a) is satisfied.

Concerning item (4) of 37 CFR 1.47(a), applicants provided a complete copy of each declaration executed by two of the three named inventors on behalf of the nonsigning inventor as required. A review of the declaration shows that it is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A). Item (4) of 37 CFR 1.47(a) is also satisfied.

All items 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 09 April 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 non-signing inventor at his last known address of record and will be published in the Official Gazette.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Mr. Quji Guo
2506 Tower A
Ocean Intl. Center
No. 56 Dong Si Juan Zhong Road
Beijing, China 100025

MAILED
MAR 24 2011
PCT LEGAL ADMINISTRATION

In re Application of
HONG *et al*
U.S. Application No.: 12/595,215
PCT No.: PCT/US2008/059760
Int. Filing Date: 09 April 2008
Priority Date: 11 April 2007
Docket No.: 16113-0596US1
For: INPUT METHOD EDITOR INTEGRATION

Mr. Guo:

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

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ALEXANDRIA, VA 22313-1404

MAILED

APR 05 2011

OFFICE OF PETITIONS

Applicant: Reppel, et al.
Appl. No.: 12/595,217
International Filing Date: December 27, 2007
Title: COMPOSITE ARTICLE WITH MAGNETOCALORICALLY ACTIVE MATERIAL AND METHOD FOR ITS PRODUCTION
Attorney Docket No.: 0070747-000027
Pub. No.: US 2010/0116471 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 12, 2010, for the above-identified application.

The request is granted.

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

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

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

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PCT LEGAL ADMINISTRATION

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of :
STEFANSSON et al. :
App. No.: 12/595,333 :
PCT No.: PCT/IS08/00010 :
Int. Filing Date: 11 April 2008 :
Priority Date: 12 April 2007 :
Attorney Docket No.: 30847/45024 :
For: GENETIC VARIANTS ASSOCIATED WITH :
PERIODIC LIMB MOVEMENTS AND RESTLESS:
LEGS SYNDROME :

DECISION

This is in response to applicant's "Request for Refund" filed in the United States Patent and Trademark Office on 07 December 2009.

On 09 October 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US), accompanied by the basic national fee. On 29 October 2009, the Office charged applicant's deposit account with the following claims fees: $1760 (code 1614), $2964 (code 1615), $390 (code 1616) and $540 (code 1681). Thereafter, on 07 December 2009, applicant filed the instant request for a refund of these fees as the fees were not authorized to be charged to applicant's deposit account.

A review of the transmittal letter filed on 09 October 2009 indicates that applicant's authorization to charge his deposit account as follows: "The Commissioner is hereby authorized to charge any additional fees which may be required (excluding excess claims fees and excluding excess page fees), or credit any overpayment to Deposit Account No...."

Thus, the USPTO did not have the authorization to charge the aforementioned claims fees to applicant's deposit account. A review of the finance records reveals that these additional claims fees incorrectly charged to applicant's deposit account on 29 October 2009 were thereafter refunded to applicant's deposit account on 14 December 2009.

For the reasons above, the request for refund is **DISMISSED AS MOOT**.

This application is being returned to Technology Center AU 1634.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
571-272-3286

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/595,391	10/09/2009	Shigeo Hoshino	091178	2654

38834 7590 02/01/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
1723	

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):

patentmail@whda.com

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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January 31, 2011 BC

In re application of Shigeo Hoshino et al. Serial No. 12/595,391 Filed: October 09, 2009 For: CHROMIUM HYDROXIDE, PROCESS PROCESS OF PREPARING THE SAME, TRI-VALENT CHROMIUM-CONTAINING LIQUID PREPARED USING THE SAME, AND CHROMIUM PLATING METHOD USING 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 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 January 20, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to 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

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	12595407
Filing Date	22-Feb-2010
First Named Inventor	Richard Ashman
Art Unit	3775
Examiner Name	THOMAS BARRETT
Attorney Docket Number	102955-102
Title	Surgical Drill Guide For Shape Memory Clamps

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 27267

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

10.40(b)(4)

Certifications

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

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

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

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 27267

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Anthony P. Gangemi/
Name	Anthony P. Gangemi
Registration Number	42565

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 20,2011

In re Application of :

Richard Ashman

Application No : 12595407

Filed : 22-Feb-2010

Attorney Docket No : 102955-102

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed May 20,2011

The request is **APPROVED**

The request was signed by Anthony P. Gangemi (registration no. 42565) on behalf of all attorneys/agents associated with Customer Number 27267 . All attorneys/agents associated with Customer Number 27267 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27267 .

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

1 3 SEP 2010

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RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

In re Application of	:	
KAPELARIE et al.	:	
Application No.: 12/595,419	:	DECISION
PCT No.: PCT/EP2008/053780	:	
Int. Filing Date: 31 March 2008	:	
Priority Date: 10 April 2007	:	
Attorney Docket No.: 66814-0073	:	
For: RING FILTER ELEMENT	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 20 August 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 31 March 2008, applicants filed international application PCT/EP2008/053780, which designated the United States and claimed a priority date of 10 April 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 16 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 October 2009 (10 October 2009 being a Saturday and 12 October 2009 being a Federal holiday).

On 09 October 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 23 February 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, and a statement of facts by Michael B. Stewart.

On 25 March 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 25 May 2010, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a statement by Heike Zoller, a copy of letter dated 16 April 2010 from Dr. Martin Jooß to non-signing inventor Mr. Kapelarie, and a copy of a mail return receipt.

On 21 June 2010, a decision was mailed dismissing without prejudice applicants' renewed petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort still had not been provided.

On 20 August 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration of inventors signed by previously non-signing inventor Klaus Kapelarie

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 23 February 2010 and 20 August 2010 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **20 August 2010**.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs

Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

17 AUG 2010

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Robert M. Bauer
MacDonald Illig Jones & Britton
100 State Street – Suite 700
Erie, PA 16507-1459

In re Application of :
Chamberlain, et al. :
Application No.: 12/595,443 :
PCT No.: PCT/AU2008/000505 :
Int. Filing Date: 09 April 2008 :
Priority Date: 10 April 2007 : DECISION
Attorney's Docket No.: 53139.0000 :
For: SYSTEM AND METHOD FOR EVALUATING :
NETWORK CONTENT :

This is in response to applicant's "REQUEST FOR CORRECTION OF FILING RECEIPT AND NOTICE OF ACCEPTANCE" filed on 12 February 2010, and "REQUEST FOR RECONSIDERATION OF REFUND REQUEST" filed 13 March 2010. Applicant urges that the filing receipt and notice of acceptance be corrected to indicate that amendments were filed, and that as a result of these amendments, extra claim fees were charged in error.

BACKGROUND

On 09 April 2008, applicants filed international application PCT/AU2008/00055, which claimed priority to an Australian application which was filed 10 April 2007. Accordingly, the thirty-month period for paying the basic national fee in the national stage in the United States expires at midnight on 10 October 2009.

On 09 October 2009, applicant filed a transmittal letter including, *inter alia*, authorization to charge the applicant's deposit account the basic national fee, the search fee, the examination fee, and extra claim fees, along with authorization to charge applicant's deposit account any additional fees that may be required (See EFS Acknowledgement Receipt N417 dated 09 October 2009). These papers were assigned U.S. application number 12/595,443.

On 09 October 2009, the United States Patent and Trademark Office charged applicant's deposit account the basic national fee of $165, the search fee of $215, the examination fee of $110 and the extra claim fees of $598. On 04 December 2009, the United States Patent and Trademark Office charged applicant's deposit account additional extra claims fees in the following amounts: (A) $220 plus $110 for 3 independent claims in excess of 3; (B) applicant

filed a total of 146 claims which would total $3276 less the $598 applicant paid for additional fees on filing for a total $2678; and (C) $195 for multiple dependent claims.

On 12 March 2010, applicant filed the current request for refund indicating that the fees charged on 04 December 2009 were charged in error, and that applicant is due a refund in the amount of $3203.

DISCUSSION

37 CFR 1.121 states, in part:

(a)(3) *Amendment by substitute specification.* The specification, other than the claims, may also be amended by submitting:

(i) An instruction to replace the specification; and

(ii) A substitute specification in compliance with §§ 1.125(b) and (c).

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (*e.g.*, additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

37 CFR 1.125(b) states:
Subject to § 1.312, a substitute specification, excluding the claims, may be filed at any point up to payment of the issue fee if it is accompanied by a statement that the substitute specification includes no new matter.

37 CFR 1.125(b) states:
A substitute specification submitted under this section must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown pursuant to this paragraph.

MPEP 1893.01(c) states, in part:

A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate 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 MPEP § 607 and § 608.

Applicant did not file a proper amendment to the claims at the time of filing, and thus the claim fees are calculated based on the claims in the international application. Therefore, the charges to applicant's deposit account are proper.

CONCLUSION

For the above reasons, the request for refund and the request for a Corrected Filing Receipt are **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 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.

Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: (571) 272-3280

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MAILED

APR 05 2011

PCT LEGAL ADMINISTRATION

Robert M. Bauer
MacDonald Illig Jones & Britton
100 State Street – Suite 700
Erie, PA 16507-1459

In re Application of	:	
Chamberlain, et al.	:	
Application No.: 12/595,443	:	
PCT No.: PCT/AU2008/000505	:	
Int. Filing Date: 09 April 2008	:	
Priority Date: 10 April 2007	:	DECISION
Attorney's Docket No.: 53139.0000	:	
For: SYSTEM AND METHOD FOR EVALUATING	:	
NETWORK CONTENT	:	

This is in response to applicant's "REQUEST FOR RECONSIDERATION OF REFUND DECISION DATED AUGUST 17, 2010" filed 18 October 2010.

BACKGROUND

On 09 April 2008, applicants filed international application PCT/AU2008/00055, which claimed priority to an Australian application which was filed 10 April 2007. Accordingly, the thirty-month period for paying the basic national fee in the national stage in the United States expires at midnight on 10 October 2009.

On 09 October 2009, applicant filed a transmittal letter including, *inter alia*, authorization to charge the applicant's deposit account the basic national fee, the search fee, the examination fee, and extra claim fees, along with authorization to charge applicant's deposit account any additional fees that may be required (See EFS Acknowledgement Receipt N417 dated 09 October 2009). These papers were assigned U.S. application number 12/595,443.

On 09 October 2009, the United States Patent and Trademark Office charged applicant's deposit account the basic national fee of $165, the search fee of $215, the examination fee of $110 and the extra claim fees of $598. On 04 December 2009, the United States Patent and Trademark Office charged applicant's deposit account additional extra claims fees in the following amounts: (A) $220 plus $110 for 3 independent claims in excess of 3; (B) applicant filed a total of 146 claims which would total $3276 less the $598 applicant paid for additional fees on filing for a total $2678; and (C) $195 for multiple dependent claims.

On 12 March 2010, applicant filed a request for refund indicating that the fees charged on 04 December 2009 were charged in error, and that applicant is due a refund in the amount of $3203.

On 17 August 2010, this Office mailed a decision dismissing the 12 March 2010 request.

On 18 October 2010, applicant filed the instant renewed request for refund.

DISCUSSION

Applicant takes issue with the term "dismissed" as it relates to the instant request for refund, apparently because the use of the term "dismissed" somehow implies that the request for refund was not decided on its merits. Applicant's position is unfounded. A petition certainly may be dismissed on its merits, and not for just untimeliness or lack of payment. The section of the MPEP cited by applicant (1002.02) has been reviewed and does not contain any language which remotely suggests that the use of the term "dismissal" suggests that a request was not treated on its merits.

Applicant further states that the fact that the Office issued a corrected Filing Receipt which indicates that presence of 3 independent claims and 43 total claims demonstrates that the purported preliminary amendment filed on 09 October 2009 was effective to reduce the number of claims in the present application. However, whether an actual reduction of the number of claims occurred is dependent upon whether a proper preliminary amendment was filed on 09 October 2009, not on information contained in a Filing Receipt. A review of the papers filed on 09 October 2009 reveals that a proper preliminary amendment in compliance with 37 CFR 1.121 was not submitted.

MPEP 1893.01(c) states, in part:

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate 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 MPEP § 607 and § 608.

Because applicant did not submit a preliminary amendment on 09 October 2009 that was effective to reduce the number of claims, a refund of excess claims fees is not indicated in the present situation.

CONCLUSION

For the above reasons, the request for refund and the request for a Corrected Filing Receipt are **DISMISSED without prejudice**.

The corrected filing receipt mailed 19 February 2010 was mailed in error, and is hereby **VACATED**.

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 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.

/Debra S. Brittingham/
Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

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

Telephone: (571) 272-3280

S/N 12/595,460 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dasgupta et al.	Examiner: Unknown	
Serial No.:	12/595,460	Group Art Unit: Unknown	
Filed:	October 9, 2009	Docket: 1842.296US1	
Customer No.:	70648	Confirmation No.: 3008	
Title:	WAGERING GAME MACHINE PROVIDING A WRITE ONCE RUN ANYWHERE ENVIRONMENT		

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

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

Applicants hereby petition the Commissioner to advance the above-identified Application out of turn for accelerated examination under the provisions of 37 C.F.R. § 1.102(d). The basis under which special status is sought is the express abandonment of copending application serial no. 12/161,631 under the Patent Application Backlog Reduction Stimulus Plan.[1] In support of the Petition to Make Special, Applicant makes the following statements:

1. The application for which special status is sought has an actual filing date before October 1, 2009, based on a National Stage Filing of International Patent Application Serial No. PCT/US2008/004630 filed on April 10, 2008.

2. A copy of the Letter of Express Abandonment of application 12/161,631, including statements accompanying the express abandonment is submitted herewith.

3. The application 12/595,460 that is the subject of this Petition to Make Special and application 12/161,631 that has been expressly abandoned are both commonly owned and assigned to WMS Gaming Inc.

4. Applicants certify that they have not filed petitions in more than fourteen other applications requesting special status under the Patent Application Backlog Reduction Stimulus Plan.

[1] See 75 Fed. Reg. 71072 and 75 Fed Reg. 36063.

5. Applicants agree to make an election without traverse in a telephonic interview if the United States Patent and Trademark Office determines that the claims of application 12/595,460 are directed to two or more independent and distinct inventions.

6. Applicant understands that the petition fee set forth in 37 C.F.R. § 1.17(h), which is normally required pursuant to 37 C.F.R. § 1.102(d) has been waived by the United States Patent and Trademark Office. However, if any fees are necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402-0938
(612) 373-6900

Date February 4, 2011 By _____

Rodney L. Lacy
Reg. No. 41,136

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS MN 55402

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FEB 10 2011

OFFICE OF PETITIONS

In re Application of :
DASGUPTA, et al. :
Application No. 12/595,460 :
35 U.S.C. 371 Date: October 9, 2010 :
Int. Appl. No.: PCT/US2008/04630 :
Int. File Date: April 10, 2008 :
Attorney Docket No. **1842.296US1** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed February 4, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM AL 35203-2104

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Kewei ZHANG	:	
Application No. 12/595,461	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: January 04, 2010	:	
Attorney Docket No. P100119US00NJ	:	

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

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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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-3800

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MAR 27 2012
OFFICE OF PETITIONS

In re Application of	:	
Antony Lawrence Macfarthing	:	
Application No. 12/595,470	:	DECISION GRANTING PETITION
Filed: December 22, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03847.000900.	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 26, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 14, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Alexandria, VA 22313-1450
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
AUG 3 1 2010
OFFICE OF PETITIONS

In re Application of :
Stanley Alan Robert Kilroy :
Application No. 12/595,478 : DECISION ON PETITION
Filed: November 19, 2009 :
Attorney Docket No. 25862-0002US1 :

This is a decision on the petition filed November 5, 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.

As an initial matter, petitioner should note that from the list of documents being sought to be expunged from the instant application, the documents identified on page one of the instant petition as "Power of Attorney and Correspondence Address Indication Form [for Application No. 12/562,641], Statement Under 37 CFR [3.73](b) [for Application No. 12/562,641] and Copy of Confirmatory Assignment [for Application No. 12/562,641]" had sufficient identifiers thereon to be placed in the file record of the application bearing the serial number 12/562,641. These documents have been closed from the Image File Wrapper (IFW) record of the instant application thereby removing them from a list of publicly available documents associated with this application. However, from the list of documents to be expunged listed on the second page of the instant petition, the documents labeled "EFS Acknowledgement Receipt" and "Transmittal Letter" had only the identifiers associated with the instant application and thus a petition under 37 CFR 1.59(b) is appropriate to consider their expungement from the instant application.

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 (III). The instant petition fails to satisfy the factors (B) and (D).

In regard to factors (B) and (D), the instant petition fails to include a statement that states (a) failure to obtain the return of the information submitted 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 (b) that 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.

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

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P.O. BOX 1967
MIDLAND, MI 48641-1967

MAILED
MAR 03 2011
PCT LEGAL ADMINISTRATION

In re Application of HOOK et al :
U.S. Application No.: 12/595,488 :
PCT Application No.: PCT/US2008/059980 :
Int. Filing Date: 11 April 2008 :
Priority Date Claimed: 12 April 2007 :
Attorney Docket No.: 65647A US : DECISION
For: PROCESS AND APPARATUS FOR VAPOR :
PHASE PURIFICATION DURING :
HYDROCHLORINATION OF MULTI- :
HYDROXYLATED ALIPHATIC :
HYDROCARBON COMPOUNDS :

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed on 07 May 2010.

BACKGROUND

On 11 April 2008, applicant filed international application PCT/US2008/059980, which claimed priority of an earlier United States application filed 12 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 13 October 2009.

On 09 October 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), executed declarations, and a request for status under 37 CFR 1.42.

On 17 March 2010, this Office mailed a decision dismissing the 09 October 2009 request.

On 07 May 2010, applicant filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that joint inventor Jan Willem Verwijs 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.

Applicant has submitted declarations 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 11 April 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
PCT Legal Examiner
PCT Legal Office

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

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
SOMERS, et al	:	
Application No. 12/595,597	:	DECISION ON PETITION
Filed: April 14, 2010	:	TO WITHDRAW
Attorney Docket No. 30699/45031		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 31, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because no correspondence address for future correspondence from the Office has been provided. 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.*

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

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

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

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

MAILED

FEB 01 2011

OFFICE OF PETITIONS

Applicant: Peng, et al.
Appl. No.: 12/595,602
International Filing Date: March 27, 2008
Title: Liquid-Vapor Separating Method and a Liquid-Vapor Separating Type Evaporator
Attorney Docket: JEE09301PCTUS
Pub. No.: US 2010/0126213 A1
Pub. Date: May 27, 2010

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

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on October 12, 2009 was not included in the publication.

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

The error noted by requestor with respect to the preliminary amendment is <u>not</u> 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] <u>Changes to Implement Eighteen-Month Publication of Patent Applications</u>, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, <u>Off. Gaz. Pat. Office Notices</u> 63, 75 (Oct. 10, 2000) (final rule).

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 amendment to the specification and claims does not comply with 37 CFR 1.121, as each section does not commence on a separate page.

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 9, 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

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SENNIGER POWERS LLP (MTC)
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

MAILED

OCT 07 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
BOGOSIAN et al	:	
Application No.: 12/595,631	:	
PCT No.: PCT/US2008/060079	:	
Int. Filing Date: 11 April 2008	:	PETITION UNDER
Priority Date: 13 April 2007	:	
Attorney Docket No.: MTC 6998.2 (54872)B/US	:	
For: USE OF GLYPHOSATE...	:	
ACID IN MICROORGANISMS	:	37 CFR 1.182

This decision is in response to applicant's "Petition Under 37 CFR 1.182" filed on 20 August 2010.

BACKGROUND

In a decision from this Office on 25 June 2010, the decision indicated that the application could not enter into national stage at that time because items (1) and (2) under MPEP §605/04(c) were not met.

On 20 August 2010, this renewed petition was filed that included the required fee and an affidavit in support of the name change from Julia P. O'Neail to Julia P. Frantz.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been paid by credit card.

With respect to item (2), petitioner has provided with the renewed petition an affidavit from Julia P. Frantz explaining her named changed from Julia P. O'Neal (maiden name) to Julia P. Frantz (married named), and sets forth the procedure whereby the change of name was effected. She has also signed the affidavit under Julia P. Frantz. Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 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) 272-0459

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:	3449-1179PUS1	Application Number (if known): 12/595,768- Conf. #5944	Filing date: October 13, 2009
First Named Inventor:	Sung Min KONG		
Title:	LIGHT EMITTING DEVICE PACKAGE AND MANUFACTURING METHOD THEREOF		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments:

Signature		Date	September 17, 2010
Name (Print/Typed)	David A. Bilodeau	Registration Number	42,325

***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 if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

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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.
12/595,768	10/13/2009	Sung Min Kong	3449-1179PUS1	5944

2292 7590 09/30/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
09/30/2010	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

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PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
KONG et al	:	DECISION ON PETITION
Application No. 12/595,768	:	TO MAKE SPECIAL UNDER
Filed: October 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 3449-1179PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 17, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as materially contributing the development of environmental quality and energy conservation. Specifically, the petition indicates that the present invention can be used with semiconductor light emitting packages. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to the development of renewable resources or energy conservation. The claims are directed a light emitting device and a method of manufacture. The claims do not specifically require semiconductor light emitting packages. Any argument that the claimed invention can be used to with semiconductor light emitting packages is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	3449-1179PUS1	Application Number (if known): 12/595,768- Conf. #5944	Filing date: October 13, 2009
First Named Inventor:	Sung Min KONG		
Title:	LIGHT EMITTING DEVICE PACKAGE AND MANUFACTURING METHOD THEREOF		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments:

Signature	David Bilodeau	Date	OCT 06 2010
Name (Print/Typed)	David A. Bilodeau	Registration Number	42,325

***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 if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/595,768	10/13/2009	Sung Min Kong	3449-1179PUS1	5944

2292 7590 10/27/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
10/27/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

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PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
KONG et al	:	DECISION ON PETITION
Application No. 12/595,768	:	TO MAKE SPECIAL UNDER
Filed: October 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 3449-1179PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 17, 2010 and renewed on October 07, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of.	:	
Zhao et al.	:	
Application No. 12/595,807	:	NOTICE
Filed: October 13, 2009	:	
Attorney Docket No. 21419-120081	:	

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**.

Petitioner should note that the processing of $130 will be charged to petitioner's deposit account as authorized for a non-itemization of the fee deficiency based on an error in small entity status.

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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SUNSTEIN KANN MURPHY & TIMBERS LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

MAILED
MAR 24 2011
OFFICE OF PETITIONS

Applicant: Culligan, et al.
Appl..No.: 12/595,808
International Filing Date: April 11, 2008
Title: FREEZEABLE UNIT DOSAGE DELIBERY SYSTEM AND METHOD OF PREPARATION
Attorney Docket: 2793F/119
Pub. No.: 2010/0168074 A1
Pub. Date: July 1, 2010

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on July 15, 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 it was published without a figure, namely figure 2 as requested by applicant.

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 no figure being published on the front page of the application namely figure 2, is not a material Office error under 37 CFR 1.221(b), the Office may select which if any drawing is to be published. The error with the drawings does not affect the understanding of the application, in that 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).

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

FEB 16 2011

PCT LEGAL ADMINISTRATION

Conley Rose, P.C.
5601 Granite Parkway, Suite 750
Plano TX 75024

In re Application of : RAO et al.
Application No.: 12/595,812
PCT No.: PCT/GB2008/001343
Int. Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney Docket No.: EEHC/26977
US(4137-07200)
For: PROCESS FOR THE PREPARATION OF GEFITINIB

DECISION
ON
REQUEST FOR REFUND

This decision is issued in response to applicant's "Response to Refund Request Denial" dated 17 November 2010 which is being treated as a request for refund. Applicant is requesting a refund in the amount of $2430.

Applicant's request for refund under 37 CFR 1.26. Applicant states in the present refund request that:

> "[t]he subject patent application was nationally entered on October 13, 2009, with a substitute specification (no claims). The basic national filing fee was paid at this time. No additional charges were authorized. On February 22, 2010 charges of $1820, $220, and $390, totally $2430 were charged to our deposit account under fee codes 1615, 1614 and 1616 respectively. As such, the charges of $2,430 made on February 22, 2010 are unauthorized charges."

A review of the application file and finance record reveals that Deposit Account no. 50-1515 was charged was charged: $390 multiple dependent claims fee, $220 extra independent claims fee, and $1820 extra total claims fee. The charging of these fees were not authorized by the applicant. Therefore, applicant is correct in its assertion that the United States Designated/Elected Office did not have authorization to charge the claims fees to Deposit Account no. 50-1515. Therefore, applicant's request for refund under 37 CFR 1.26 is **GRANTED**.

This application is being forwarded to the Unites States Designated/Elected Office for further processing in accordance with this decision, including a review of the preliminary amendment filed by applicants on 26 February 2010.

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

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VERTEX PHARMACEUTICALS INC.
Susan Batty-Gunn
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of	:	
GOLEC et al.	:	
Application No. 12/595,878	:	DECISION ON PETITION
Filed: 10/14/2009	:	
Attorney Docket No. VPI/07-114 US CN1	:	

This is a decision on the petition under 37 CFR.1.181 filed June 15, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 3, 2010, which set a two-month period for reply. Extensions of this period were available under 37 CFR 1.136(a). On April 15, 2011, the Office mailed a Notice of Abandonment.

Petitioners state that they filed a timely and proper reply to the Notice to File Missing Parts of Nonprovisional Application accompanied by a request for an extension of time for response within the third month (and fee) on February 3, 2011. Thus, petitioners request that the Office withdraw the holding of abandonment.

The reply and the request for an extension of time, filed February 3, 2011, were located among the papers in the Image File Wrapper for the above-identified application. Accordingly, the reply is considered timely filed on February 3, 2011, with the request for an extension of time for response within the third month (and fee). See 37 CFR 1.8(a) and 1.136(a). The petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that petitioners filed a timely response to the Notice to File Missing Parts of Nonprovisional Application on February 3, 2011.

This matter is being referred to the Office of Patent Application Processing.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

27 SEP 2010

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United States Patent and Trademark Office
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The Dow Chemical Company
P.O. BOX 1967
Midland MI 48641

In re Application of	:	
BRACKHAGEN, et al.	:	
Application No.: 12/595,907	:	
PCT No.: PCT/EP2008/002096	:	DECISION ON PETITION
Int. Filing Date: 15 March 2008	:	
Priority Date: 05 April 2007	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: WC061011	:	
For: METHYLHYDROXYPROPYLCELLULOSE	:	
(MHCP) FOR MINERAL-BOUND BUILDING	:	
MATERIAL SYSTEMS	:	

The petition to revive under 37 CFR 1.137(b) filed 14 October 2009 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 payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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.
12/595,941	10/14/2009	Tetsuro Nagami	1163-0748PUS1	7844

2292 7590 02/18/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
MAH, CHUCK Y

ART UNIT	PAPER NUMBER
3677	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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FEB 17 2011

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

In re application of Tetsuro Nagami Application No. 12/595,941 Filed: October 14, 2009 For: MONITOR HINGE 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 December 13, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed October 14, 2009. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 02/16/11

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23 SEP 2010

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49383
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

In re Application of
WOSTER *et al*
U.S. Application No.: 12/595,955
PCT No.: PCT/US2008/004874
Int. Filing Date: 14 April 2008
Priority Date: 13 April 2007
Attorney Docket No.: 68135(71699)
For: LYSINE-SPECIFIC DEMETHYLASE INHIBITORS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 October 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) is required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

MAILED

OCT 18 2010

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PCT LEGAL ADMINISTRATION

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SIMON KAHN - PYI Tech, Ltd.
c/o LANDONIP, INC
1725 Jamieson Avenue
ALEXANDRIA VA 22314

In re Application of SHAVIT PASTERNAK, Eli, et al. Application No.: 12/595,960 PCT No.: PCT/IL2008/000557 Int. Filing Date: 27 April 2008 Priority Date: 19 April 2007 Attorney Docket No.: PMT-001-US For: METHOD AND APPARATUS FOR NERVE AND MUSCLE STIMULATION AND PAIN TREATMENT	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office on 16 August 2010.

BACKGROUND

On 16 July 2010, the Office mailed Notification of Defective Response, indicating that the declaration was not in compliance with 37 CFR 1.497(a)-(b).

On 16 August 2010, applicants filed this 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 (3) have been met. The $200 petition fee has been paid. Applicant states the last known address of legal representative Heva Romanoff as 4447 Todd Drive, Sylvania, OH 45360 and of legal representative Aviva Scheer as 505 South Orange Avenue, Apt. 802, Sarasota, FL 34236.

Item (2) has not been satisfied. Applicants are alleging that the legal representatives have refused to join the application. As set forth in MPEP 409.03(d), where a refusal of the inventor (or the legal representative) 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. The statement indicates only that declarations were presented to the legal representatives. Refusal to sign a declaration, absent presentation with a complete copy of the application papers is not ordinarily sufficient. See Id.

Item (4) has not been satisfied. Applicants have not paid the surcharge fee for acceptance of a search fee, examination fee or oath or declaration filed after 30 months from the priority date. The declaration is not acceptable without payment of the fee.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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[illegible] 28 2011

PCT LEGAL ADMINISTRATION

Hedva Romanoff
4447 Todd Drive
Sylvania, OH 45360

In re Application of
SHAVIT PASTERNAK, Eli, et al.
Application No.: 12/595,960
PCT No.: PCT/IL2008/000557
Int. Filing Date: 27 April 2008
Priority Date: 19 April 2007
Attorney Docket No.: PMT-001-US
For: METHOD AND APPARATUS FOR NERVE AND MUSCLE STIMULATION AND PAIN TREATMENT

Dear Ms. Romanoff:

You are named as legal representative of 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, Joseph Tannenbaum will be designated as an inventor.

As the legal representative, you stand in place of the inventor. 37 CFR 1.42. A named inventor is 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 one's 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

SIMON KAHN - PYI Tech, Ltd.
c/o LANDONIP, INC
1725 Jamieson Avenue
ALEXANDRIA VA 22314

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MAR 28 2011

PCT LEGAL ADMINISTRATION

Aviva Scheer
505 South Orange Avenue, Apt. 802
Sarasota, FL 34236

In re Application of
SHAVIT PASTERNAK, Eli, et al.
Application No.: 12/595,960
PCT No.: PCT/IL2008/000557
Int. Filing Date: 27 April 2008
Priority Date: 19 April 2007
Attorney Docket No.: PMT-001-US
For: METHOD AND APPARATUS FOR NERVE AND MUSCLE STIMULATION AND PAIN TREATMENT

Dear Ms. Scheer:

You are named as legal representative of 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, Joseph Tannenbaum will be designated as an inventor.

As the legal representative, you stand in place of the inventor. 37 CFR 1.42. A named inventor is 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 one's 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

SIMON KAHN - PYI Tech, Ltd.
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1725 Jamieson Avenue
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MAR 28 2011

PCT LEGAL ADMINISTRATION

SIMON KAHN - PYI Tech, Ltd.
c/o LANDONIP, INC
1725 Jamieson Avenue
ALEXANDRIA VA 22314

In re Application of	:	
SHAVIT PASTERNAK, Eli, et al.	:	
Application No.: 12/595,960	:	DECISION ON
PCT No.: PCT/IL2008/000557	:	
Int. Filing Date: 27 April 2008	:	PETITION
Priority Date: 19 April 2007	:	
Attorney Docket No.: PMT-001-US	:	UNDER 37 CFR 1.42
For: METHOD AND APPARATUS FOR	:	
NERVE AND MUSCLE STIMULATION	:	
AND PAIN TREATMENT	:	

A review of the declaration reveals an indication that joint inventor Joseph Tannenbaum is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 05 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors identifying the legal representative or all of the heirs was required.

On 24 March 2010, applicants filed a petition under 37 CFR 1.47(a) indicating that the legal representatives of the deceased inventor were not cooperating.

On 03 April 2010, applicants filed this request for status and indicated that the legal representatives were cooperating. As such, the petition under 37 CFR 1.47(a) is moot.

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 Eli Shavit Pasternak, but does not list the citizenship for

Joseph Tannenbaum. The declaration of the legal representatives also does not list the citizenship of the deceased inventor and does not list the second legal representative or the citizenship, residence and mailing address of the second legal representative. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

Applicants indicate that a declaration executed by the second legal representative was furnished, but the only declaration in the file is the one furnished under PCT Rule 26*ter*.

While it is acceptable for inventors (or legal representatives) to execute separate copies of the oath or declaration, each copy must be complete, complying with 37 CFR 1.497(a)-(b) and the complete copy of the declaration, as executed, must be returned to the Office. The declaration supplied during the international phase indicates that it is a 2 page declaration, but applicants have supplied one page 1 and two pages 2. This indicates that at least two copies of the declaration were executed.

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

Telephone: (571) 272-3292

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JUN 07 2011

PCT LEGAL ADMINISTRATION

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	
BOZOUKLIAN, et al.	:	DECISION ON PETITIONS
U.S. Application No.: 12/595,977	:	
PCT No.: PCT/US2008/060216	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 14 April 2008	:	
Priority Date: 16 April 2007	:	AND 37 CFR 1.137(b)
Atty Docket No.: 62232US006	:	
For: BASE FOR A FLOOR MAT	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) and request to correct inventorship under 37 C.F.R. § 1.497(d) filed 14 April 2011 in the United States Patent and Trademark Office (USPTO). As authorized, the petition fee for a petition under 37 CFR 1.497(d) will be charged to deposit account number 13-3723.

BACKGROUND

On 14 April 2008, applicant filed international application PCT/US2008/060216, which claimed priority of an earlier application filed 16 April 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 16 October 2009.

On 15 October 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 04 February 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 29 April 2010, applicant responded with an executed declaration which listed an inventor, Guy M. Pollaud, who was not listed on the published international application.

On 23 July 2010, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) advising applicant that the filed declaration was defective and giving applicant one month to file a proper response.

On 25 February 2011, applicant was mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) informing applicant that the above-captioned application was abandoned for failure to respond to the Form PCT/DO/EO/916 mailed 23 July 2010.

On 14 April 2011, applicant filed the present petition to revive and petition to add Guy M. Pollaud as an inventor in the present U.S. National stage application. The response is timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.497(d)

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.

II. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) 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 a grantable petition under 37 CFR 1.497(d) as discussed above. 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.

CONCLUSION

For the reasons discussed above, the petitions under 37 CFR 1.137(b) and 1.497(d) are **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Acceptance (Form PCT/DO/EO/903) indicating a 35 U.S.C. (c)(1), (c)(2) and (c)(4) date of **29 April 2010**.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/595,996	10/15/2009	Naohide Fuwa	348530US26PCT	8560

22850 7590 07/27/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
BACON, ANTHONY L

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
07/27/2011	ELECTRONIC

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

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

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

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: FUWA, NAOHIDE Serial No.: 12/595996 Filed: October 15, 2009 Attorney Docket No. : 348530US26PCT Title: INTERNAL COMBUSTION ENGINE CONTROL SYSTEM	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 22, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) 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 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

10 SEP 2010

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ALEXANDRIA VA 22313-1404

In re Application of	:	
Mitamura et al.	:	
Application No.: 12/596,006	:	DECISION
PCT No.: PCT/JP2007/000448	:	
Int. Filing Date: 24 April 2007	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 1030673-000264	:	PETITION
For: Method Of Detecting Absolute Rotational Position	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 30 June 2010.

BACKGROUND

This international application was filed on 24 April 2007, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 13 November 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 24 October 2009. Applicants filed *inter alia* the basic national fee on 15 October 2009.

On 14 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

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

Regarding **requirement (2)**, petitioner has provided a statement by Shiro Yokozawa, who explains that non-signing inventor Muneo Mitamura vacated his employer-owned housing at the end of his employment, and that his current place of residence is unknown. Shiro Yokozawa further indicates that a parcel was sent to Mr. Mitamura's last known address but was returned as undeliverable. This does not establish constructive refusal on the part of Mr. Mitamura, but is consistent with Shiro Yokozawa's statements to the effect that he has moved.

In order to obtain the requested relief under the circumstances described, it would be appropriate to introduce detailed evidence showing what efforts were undertaken to ascertain current contact information for Mr. Mitamura, such as telephone directory searches, internet searches, voter registration, tax or land ownership registry searches, or the like. Such evidence

should be introduced by first-hand statement(s) by the individual(s) who undertook to identify his current whereabouts. *See* MPEP 409.03(d).

Regarding **requirement (3)**, the petition provides the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 30 June 2010 reveals that it satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

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JAN 18 2011

PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of
Mitamura et al.
Application No.: 12/596,006
PCT No.: PCT/JP2007/000448
Int. Filing Date: 24 April 2007
Priority Date: N/A
Attorney Docket No.: 1030673-000264
For: Method Of Detecting Absolute Rotational Position

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 30 June 2010.

BACKGROUND

This international application was filed on 24 April 2007, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 13 November 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 24 October 2009. Applicants filed *inter alia* the basic national fee on 15 October 2009.

On 14 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

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

Regarding **requirement (2)**, petitioner has provided a statement by Shiro Yokozawa, who explains that non-signing inventor Muneo Mitamura vacated his employer-owned housing at the end of his employment, and that his current place of residence is unknown. Shiro Yokozawa further indicates that a parcel was sent to Mr. Mitamura's last known address but was returned as undeliverable. This does not establish constructive refusal on the part of Mr. Mitamura, but is consistent with Shiro Yokozawa's statements to the effect that he has moved.

In order to obtain the requested relief under the circumstances described, it would be appropriate to introduce detailed evidence showing what efforts were undertaken to ascertain current contact information for Mr. Mitamura, such as telephone directory searches, internet searches, voter registration, tax or land ownership registry searches, or the like. Such evidence

should be introduced by first-hand statement(s) by the individual(s) who undertook to identify his current whereabouts. *See* MPEP 409.03(d).

Regarding **requirement (3)**, the petition provides the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 30 June 2010 reveals that it satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
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MAR 09 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Mitamura et al.	:	
Application No.: 12/596,006	:	DECISION
PCT No.: PCT/JP2007/000448	:	
Int. Filing Date: 24 April 2007	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 1030673-000264	:	PETITION
For: Method Of Detecting Absolute Rotational Position	:	

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

DISCUSSION

As a preliminary matter, on 18 January 2011, a copy of the Decision previously mailed on 10 September 2010 was mailed to counsel in error. Said Decision mailed on 18 January 2011 is hereby **VACATED.** The period for response is hereby reset to begin as of the mailing date of this Decision.

In a Decision mailed on 10 September 2010, the petition under 37 CFR 1.47(a) filed on 30 June 2010 was dismissed, without prejudice, because

> Regarding **requirement (2)**, petitioner has provided a statement by Shiro Yokozawa, who explains that non-signing inventor Muneo Mitamura vacated his employer-owned housing at the end of his employment, and that his current place of residence is unknown. Shiro Yokozawa further indicates that a parcel was sent to Mr. Mitamura's last known address but was returned as undeliverable. This does not establish constructive refusal on the part of Mr. Mitamura, but is consistent with Shiro Yokozawa's statements to the effect that he has moved.
>
> In order to obtain the requested relief under the circumstances described, it would be appropriate to introduce detailed evidence showing what efforts were undertaken to ascertain current contact information for Mr. Mitamura, such as telephone directory searches, internet searches, voter registration, tax or land ownership registry searches, or the like. Such evidence should be introduced by first-hand statement(s) by the individual(s) who undertook to identify his current whereabouts. *See* MPEP 409.03(d).

In response, petitioner has provided a supplemental declaration by Shiro Yokozawa, who indicates that "a telephone directory search and an internet search were conducted to locate Mr. Mitamura, but no more recent contact information could be located." It is not clear whether this statement is made on the basis of first-hand knowledge. In addition, supporting evidence of the relevant details (e.g., copies of search results, directory pages, search terms used, etc.) has not been provided. Petitioner has also provided a statement by Masanori Suzuki, who states *inter alia* that "I have conducted a telephone directory search to locate a current contact telephone number or mailing address for Mr. Mitamura, but no information could be found." Again, however, no supporting documentation of the relevant details has been provided. Such

documentation might consist of, for example, print-outs of the relevant search terms and results, or copies of relevant directory pages. As such, it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
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In re Application of	:	
Mitamura et al.	:	
Application No.: 12/596,006	:	DECISION
PCT No.: PCT/JP2007/000448	:	
Int. Filing Date: 24 April 2007	:	ON
Priority Date: N/A	:	
Attorney Docket No.: 1030673-000264	:	PETITION
For: Method Of Detecting Absolute Rotational Position	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 09 May 2011.

DISCUSSION

In a Decision mailed on 09 March 2011, the renewed petition under 37 CFR 1.47(a) filed on 10 November 2010 was dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, petitioner has provided a new "Declaration" by Shiro Yokozawa, who describes and provides documentary support of efforts undertaken to locate the non-signing inventor. In view of the totality of the evidence now of record, it would be appropriate to conclude that the requirements for relief under 37 CFR 1.47(a) have 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 **30 June 2010**.

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

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PCT LEGAL ADMINISTRATION

Muneo Mitamura
Sejuru Fujimori 102
2128-3, Toyoshina
Azumino-shi, Nagano 399-8205
JAPAN

In re Application of
Mitamura et al.
Application No.: 12/596,006
PCT No.: PCT/JP2007/000448
Int. Filing Date: 24 April 2007
Priority Date: N/A
Attorney Docket No.: 1030673-000264
For: Method Of Detecting Absolute Rotational Position

Dear Mr. Mitamura:

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 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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In re Application of	:	
MIYASHITA et al.	:	
Application No.: 12/596,009	:	DECISION
PCT No.: PCT/JP2007/000449	:	
Int. Filing Date: 24 April 2007	:	
Priority Date: None	:	
Attorney Docket No.: 1030673-000265	:	
For: MAGNETIC ENCODER AND METHOD OF	:	
DETECTING ABSOLUTE ROTATIONAL POSITION	:	

This is a decision on applicants' petition under 37 CFR 1.47(a), filed 30 June 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 24 April 2007, applicants filed international application PCT/JP2007/000449, which designated the United States and did not claim a priority date. A copy of the international application was communicated from the International Bureau to the USPTO on 13 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 October 2009 (24 October 2009 being a Saturday).

On 15 October 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 30 June 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a declaration of facts by Shiro Yokozawa.

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. 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.

Here, the statement of facts by Shiro Yokozawa indicates that inquiries were made in the administrative department of non-signing inventor Muneo MITAMURA. However, it does not describe any other efforts made to locate Mr. MITAMURA. Nor has any documentary evidence of steps taken to locate the whereabouts of the non-signing inventor, e.g., searching internet directories, been provided.

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
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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PCT LEGAL ADMINISTRATION

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ALEXANDRIA VA 22313-1404

In re Application of	:	
MIYASHITA et al.	:	
Application No.: 12/596,009	:	DECISION
PCT No.: PCT/JP2007/000449	:	
Int. Filing Date: 24 April 2007	:	
Priority Date: None	:	
Attorney Docket No.: 1030673-000265	:	
For: MAGNETIC ENCODER AND METHOD OF	:	
DETECTING ABSOLUTE ROTATIONAL POSITION	:	

The Filing Receipt and the NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903), both issued 25 October 2010, are **VACATED**. These documents were inadvertently issued before the requirements of 35 U.S.C. 371(c)(4) were met. A petition under 37 CFR 1.47(a) has not been granted

This is a decision on applicants' renewed petition under 37 CFR 1.47(a), filed 13 December 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 24 April 2007, applicants filed international application PCT/JP2007/000449, which designated the United States and did not claim a priority date. A copy of the international application was communicated from the International Bureau to the USPTO on 13 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 October 2009 (24 October 2009 being a Saturday).

On 15 October 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 30 June 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a declaration of facts by Shiro Yokozawa.

On 13 October 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 13 December 2010, applicants filed the instant renewed petition which was accompanied by a second declaration of fact by Shiro Yokozawa and a declaration of facts by Masanori Suzuki.

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 13 October 2010, items (1), (3), and (4) have been met.

Item (2) still 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 declaration of facts by Masanori Suzuki has been considered. While Mr. Suzuki has firsthand knowledge of the statements therein, no documentary evidence has been provided. Nor does the statement indicate which telephone directories were searched, e.g., a particular city or cities. The second declaration of facts by Shiro Yokozawa has also been considered. This second declaration states that an internet search was conducted. However, it is not clear who conducted the internet search. Nor has any documentary evidence of the internet search been provided. The statements by Mr. Yokozawa that voter registration records, tax records, and land ownership records are not available for public search in Japan is acknowledged.

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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OCT 03 2011

PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
MIYASHITA et al.	:	
Application No.: 12/596,009	:	DECISION
PCT No.: PCT/JP2007/000449	:	
Int. Filing Date: 24 April 2007	:	
Priority Date: None	:	
Attorney Docket No.: 1030673-000265	:	
For: MAGNETIC ENCODER AND METHOD OF	:	
DETECTING ABSOLUTE ROTATIONAL POSITION	:	

This is a decision on applicants' second renewed petition under 37 CFR 1.47(a) filed 31 March 2011. The petition is **GRANTED**.

BACKGROUND

On 24 April 2007, applicants filed international application PCT/JP2007/000449, which designated the United States and did not claim a priority date. A copy of the international application was communicated from the International Bureau to the USPTO on 13 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 October 2009 (24 October 2009 being a Saturday).

On 15 October 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 30 June 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a declaration of facts by Shiro Yokozawa.

On 13 October 2010, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 13 December 2010, applicants filed a renewed petition which was accompanied by a second declaration of fact by Shiro Yokozawa and a declaration of facts by Masanori Suzuki.

On 01 February 2011, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 31 March 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a third declaration of facts by Shiro Yokozawa with documentation 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 13 October 2010, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that a diligent effort has been made to reach non-signing inventor Muneo MITAMURA but that he could not be located.

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 **30 June 2010**.

/Daniel Stemmer/

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OCT 09 2011

PCT LEGAL ADMINISTRATION

Muneo Mitamura
Sejuru Fujimori 102
2128-3, Toyoshina
Azumino-shi, Nagano 399-8205
JAPAN

In re Application of
MIYASHITA et al.
Application No.: 12/596,009
PCT No.: PCT/JP2007/000449
Int. Filing Date: 24 April 2007
Priority Date: None
Attorney Docket No.: 1030673-000265
For: MAGNETIC ENCODER AND METHOD OF DETECTING ABSOLUTE ROTATIONAL POSITION

Dear Mr. Mitamura:

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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PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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ALEXANDRIA VA 22313-1404

30 AUG 2010

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
SIEF et al.	:	
Application No.: 12/596,039	:	DECISION
PCT No.: PCT/EP2008/001794	:	
Int. Filing Date: 06 March 2008	:	
Priority Date: 18 April 2007	:	
Attorney Docket No.: ITEU-PWED106US	:	
For: IN-LINE UV-GERMICIDAL DEVICE	:	
FOR FLUID MEDIA	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 20 July 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 06 March 2008, applicants filed international application PCT/EP2008/001794, which designated the United States and claimed a priority date of 18 April 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 30 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 October 2009 (18 October 2009 being a Sunday).

On 15 October 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 January 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 20 July 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, and a declaration of facts by Wolfgang Esser with documents in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

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)." Here, it is not clear that Mr. Sief was presented with a copy of the specification including claims, drawings, and declaration of inventors. Although the declaration of facts indicates that the communication sent by Birgit Vakili on 17 March 2010 included the specification, drawings, claims, and declaration, it is not clear that this communication was received by non-signing inventor Rolf Sief. No proof of delivery has been provided for this communication. Additionally, the declaration of facts regarding this letter should have been by someone with firsthand knowledge of such facts, i.e., Birgit Vakili. Further, the letter has not been translated so it is not clear if the specification including claims and drawings was included with the communication. As to the communication sent by Wolfgang Esser on 06 April 2010, it is not clear whether or not this communication included the specification including claims, drawings, and declaration of inventors. No mention of these papers is made in the declaration of facts. Additionally, it is not clear from the letter dated 06 April 2010 since a translation of the letter has not been provided. Finally, it is not clear that the communication mailed 06 April 2010 was received since translations of the documents provided regarding the mailing and receipt of this communication have not 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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PCT LEGAL ADMINISTRATION

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
SIEF et al.	:	
Application No.: 12/596,039	:	DECISION
PCT No.: PCT/EP2008/001794	:	
Int. Filing Date: 06 March 2008	:	
Priority Date: 18 April 2007	:	
Attorney Docket No.: ITEU-PWED106US	:	
For: IN-LINE UV-GERMICIDAL DEVICE	:	
FOR FLUID MEDIA	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 29 October 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 06 March 2008, applicants filed international application PCT/EP2008/001794, which designated the United States and claimed a priority date of 18 April 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 30 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 October 2009 (18 October 2009 being a Sunday).

On 15 October 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 January 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 20 July 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, and a declaration of facts by Wolfgang Esser with documents in support thereof.

On 30 August 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 29 October 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration of inventors signed by previously non-signing inventor Rolf SIEF.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 20 July 2010 and 29 October 2010 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **29 October 2010**.

/Daniel Stemmer/

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VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of
Ole Andersen
Application No. 12/596,044
Filed: March 4, 2010
Attorney Docket No. DRAG-11US

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 6, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 25, 2011 the power of attorney to Vedder Price P.C. was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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United States Patent and Trademark Office
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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NOV 03 2011

OFFICE OF PETITIONS

Applicants: ROUWENDAL, et al.
Appl. No.: 12/596,063
International Filing Date: April 17, 2008
Title: MAMMALIAN-TYPE GLYCOSYLATION IN PLANTS BY EXPRESSION OF NON-MAMMALIAN GLYCOSYLTRANSFERASES
Attorney Docket: P0850.70007US00
Pub. No.: US 2011/0067146 A1
Pub. Date: March 17, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 4, 2011, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains errors wherein the assignee's name is incorrect and there's an error in claim 6.

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

The instant request identifies a material Office mistake in claim 6 wherein "[K/R]-X-[K/R]" was misprinted as "[KIR]-X-[K/R]".

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the name of the assignee. An error in assignee's name 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

[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).

enforce upon issuance of a patent. MPEP 1130 B. However, this non-material error will be corrected when the application is republished to correct the material error.

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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Commissioner for Patents
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NAWRODKI, RONNEY & SIVERTSON
SUITE 401, BROADWAY PLACE EAST
3433 BROADWAY STREET NORTHEAST
MINNEAPOLIS, MN 55413-3009

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JUL 21 2011

OFFICE OF PETITIONS

Applicant: Nathan Hayes
Appl. No.: 12/596,093
International Filing Date: April 16, 2008
Title: SINGLE-PASS AND ORDER-INDEPENDENT TRANSPARENCY IN COMPUTER GRAPHICS USING CONSTANT MEMORY
Attorney Docket: 33072/110/101
Pub. No.: US 2010/0188416 A1
Pub. Date: July 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 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 wherein the Article 34 amendment filed with the application on October 15, 2009, was not included in the publication.

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

The error noted by requestor with respect to the Article 34 amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an

[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).

amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

The requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) § 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on September 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).

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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NOV 24 2010

PCT LEGAL ADMINISTRATION

LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

In re Application of KAUFMAN et al. Application No.: 12/596,103 PCT No.: PCT/US08/61776 Int. Filing Date: 28 April 2008 Priority Date: 26 April 2007 Atty Docket No.: KAUFA.P010 For: DISPENSING APPLICATOR FOR FLUIDS	DECISION ON PETITION UNDER 37 CFR 1.42

This is a decision on applicant's' "RESPONSE TO NOTICE TO MISSING PARTS AND NOTICE OF DEFECTIVE RESPONSE" filed on 08 September 2010 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

On 15 October 2009, applicant filed a request for entry into the U.S. national stage for the above referenced PCT application along with the basic national fee. On 18 June 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, are required. On 12 August 2010, applicant filed a response to the 905 along with a declaration, executed by the executrix for deceased inventor Jack Kaufman.

On 31 August 2010, a Notification of Defective Response was mailed to applicant, indicating that the declaration was defective because it did not comply with 37 CFR 1.497(a) and (b). On 08 September 2010, applicant filed the instant response.

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. The declaration must also state residency and last mailing address of the deceased inventor and his legal representative to comply with 37 CFR 1.497(a)(3).

In the instant application, the declaration executed by executrix Janet Kaufman on behalf of the deceased inventor Jack Kaufman is unacceptable. The declaration filed on 12 August 2010 and refiled on 08 September 2010 is unacceptable because with respect to the deceased inventor, it indicates the citizenship for only one individual. It is unclear whether this information is for the legal representative or the deceased inventor nor does it state the residency or mailing address for both the deceased inventor and his legal representative. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(3) and (b)(2).

Thus, a new declaration is required which must be executed by the legal representative on behalf of the deceased inventor and which identifies all inventors including the deceased inventor and his legal representative and state the country of citizenship, residency and mailing address for *both* the deceased inventor and the legal representative for compliance with 37 CFR 1.497(b)(2).

For the reasons stated above, a new declaration executed by the executrix on behalf of the deceased inventor is required in compliance with 37 CFR §§ 1.497(a) and (b) and 1.64. Accordingly, it is inappropriate, at this time, 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 **DISMISSED WITHOUT PREJUDICE.**

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision or the time remaining under the 905.

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

Telephone: 571-272-3286
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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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FEB 28 2011

PCT LEGAL ADMINISTRATION

LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
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SCARSDALE NY 10583

In re Application of KAUFMAN et al. Application No.: 12/596,103 PCT No.: PCT/US08/61776 Int. Filing Date: 28 April 2008 Priority Date: 26 April 2007 Atty Docket No.: KAUFA.P010 For: DISPENSING APPLICATOR FOR FLUIDS	DECISION ON PETITION UNDER 37 CFR 1.42

This is a decision on applicant's' "RESPONSE TO DECISION ON PETITION UNDER 337 CFR 1.42 MAILED NOV. 24, 2010" filed on 04 January 2011 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

The procedural history of this application was set forth in the decision mailed on 24 November 2010 and is incorporated herein by reference. In response to that decision, applicant filed a newly executed declaration, executed by the executrix for deceased inventor Jack Kaufman and the joint inventor.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. The declaration must also state residency and last mailing address of the deceased inventor and his legal representative to comply with 37 CFR 1.497(a)(3).

Applicant has now submitted a declaration executed by executrix Janet Kaufman on behalf of the deceased inventor Jack Kaufman and by joint inventor James Brown. The declaration indicates the citizenship, residency or mailing address for both the deceased inventor, his legal representative/heir and the joint inventor. Accordingly, the declaration is in compliance with 37 CFR 1.497(b)(2). It is appropriate, at this time, to accord the application status under 37 CFR 1.42.

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.** The declaration by the legal representative for deceased inventor submitted on 04 January 2011 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

/Cynthia M. Kratz/
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Attorney Advisor
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

MAILED

JUL 20 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
STRAUME	:	
U.S. Application No.: 12/451,947 (12/596,111)	:	
PCT No.: PCT/NO2008/000028	:	DECISION
Int. Filing Date: 29 January 2008	:	
Priority Date: 17 April 2007	:	
Attorney Docket No.: 24519.5.840217239/005002	:	
For: DEVICE FOR A WINCH-OPERATED WAVE POWER PLANT.	:	

This decision is in response to applicant's request for refund filed 26 May 2011 in the United States Patent and Trademark Office (USPTO). The request is **GRANTED**.

The creation of an additional national stage application for international application PCT/NO2008/000028 was improper as there can only be one U.S. national stage entry of an international application. The papers filed 15 October 2009 and assigned serial number 12/451,947 will be moved to application 12/596,111. Application 12/596,111 will continue to be the U.S. National stage entry of international application PCT/NO2008/000028.

A review of the fee record for this application reveals that the duplicate fees charged have been refunded to deposit account number 50-0591.

As detailed above, application 12/596,111 has been established as the U.S. National stage entry of international application PCT/NO2008/000028. This application is being forwarded to the Office of PCT Operations, National Stage Branch for continued processing.

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DEC 10 2010

PCT LEGAL ADMINISTRATION

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520 SW YAMHILL STREET
PORTLAND OR 97204

In re Application of:
DIRSCHERL, Marcus
U.S. Application No.: 12/596,134
PCT No.: PCT/EP2008/003049
International Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney's Docket No.: hoe.306
For: CARRIER MATERIAL FOR THE PRODUCTION OF WORKPIECES

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Renewed Petition Under 37 CFR § 1.47(b)" filed on 21 October 2010. Petitioner has previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 22 April 2010. The decision dismissed without prejudice the petition under 37 CFR 1.47(b), finding that petitioner had failed to satisfy all the requirements of a grantable petition. Specifically, petitioner had not provided an acceptable showing that 37 CFR 1.47(b) applicant Hermle Maschinenbau GmbH (Hermle) has the necessary proprietary interest in the present application.

On 21 October 2010, petitioner filed the "Renewed Petition Under 37 CFR § 1.47(b)" considered herein, with required extension fee.

DISCUSSION

The present renewed petition is accompanied by a legal memorandum executed by Oliver Spies, with accompanying exhibits. Mr. Spies identifies himself as a person recognized to practice law in Germany and familiar with the law of the jurisdiction. The legal memorandum concludes that, pursuant to "the relevant evidence, and by the weight of authority in Germany, the title of this invention would be awarded to Hermle Maschinenbau GmbH (Hermle)." This legal memorandum, in combination with the materials filed with the original petition, provides an acceptable showing that Hermle has the required proprietary interest in the present application. Applicants have therefoe now satisfied the final outstanding requirement for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Markus DIRSCHERL.

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 08 March 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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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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Mr. Markus DIRSCHERL
Anemonenstrabe 31
81547 Munchen
GERMANY

MAILED
DEC 10 2010
PCT LEGAL ADMINISTRATION

In re Application of: DIRSCHERL, Marcus
U.S. Application No.: 12/596,134
PCT No.: PCT/EP2008/003049
International Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney's Docket No.: hoe.306
For: CARRIER MATERIAL FOR THE PRODUCTION OF WORKPIECES

Dear Mr. DIRSCHERL:

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

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

/RichardMRoss/

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Counsel Of Record:
Thomas J. Romano
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520 SW Yamhill Street
Portland, OR 97204

In re Application of
DIRSCHERL, Markus
U.S. Application No.: 12/596,135
PCT No.: PCT/EP2008/003050
Int. Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney's Docket No.: HOE.307
For: CARRIER MATERIAL FOR PRODUCING WORKPIECES

DECISION

This decision is in response to the petition under 37 CFR 1.47(b) submitted on 04 March 2010.

BACKGROUND

On 07 December 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(a) and (b) was required. Petitioner was given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 04 March 2010, the 37 CFR 1.47(b) applicant submitted the instant petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a $200.00 petition fee; a $130.00 surcharge fee; a one-month extension fee; a declaration signed by the 37 CFR 1.47(b) applicant on behalf of the nonsigning inventor; a declaration of Thomas J. Hager; and documentary evidence in support of the petition (Exhibits A - H).

On 25 August 2010, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements is 04 March 2010.

DISCUSSION

The 37 CFR 1.47(b) applicant claims that Markus DIRSCHERL refuses to cooperate and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 07 December 2009.

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.

Applicant submitted a $200.00 petition fee. Item (1) is complete.

Concerning item (2), MPEP § 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made.

Here, the petition and supporting documents indicate that the inventor has been provided with a request for signature, accompanied by a copy of the complete application on 16 November 2009. The inventor has not provided the signed declaration in response to such request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the declaration.

Item (2) is therefore satisfied.

The last known address of the nonsigning inventor was provided in the petition. Item (3) is complete.

Regarding item (4), MPEP § 409.03(b)(A) of the MPEP states that the 37 CFR 1.47(b) applicant must make the oath or declaration. Where a corporation is the 37 CFR 1.47(b) applicant, an officer normally signs the necessary declaration.

In this case, the 37 CFR 1.47(b) applicant has provided a declaration signed by Mr. Rudolf Derntl as Managing Director of the (purported) assignee, Hermle Maschinenbau GmbH (Hermle), on behalf of the nonsigning inventor. The position of Director in foreign countries is presumed to have the authority to sign for a corporation. *See* § 324(V) MPEP.

The declaration complies with the requirements of § 409.03(b)(A) of the MPEP

and is in compliance with 37 CFR 1.497(a) and (b). As such, item (4) is also satisfied.

Regarding item (6), the petition includes the required statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is complete.

However, with regards to item (5), MPEP § 409.03(f) states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Here, the petition does not assert that the application has been expressly assigned to the 37 CFR 1.47(b) applicant. Rather, petitioner asserts that the inventor had agreed in writing (via an employment contract) to assign the invention to his former employer, Innovaris GmbH & Co. KG (Innovaris), and that 37 CFR 1.47(b) applicant Hermle acquired the rights to the invention pursuant to a contractual agreement between Innovaris and Hermle. With respect to such a claim, MPEP § 409.03(f) states the following:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

The present petition includes a copy of the employment agreement pursuant to which the inventor was purportedly obligated to transfer his rights in the invention to Innovaris. However, petitioner has failed to provide the required "statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed," as necessary to establish that the invention underlying the present application falls within the scope of the provided employment agreement. Moreover, the contractual provisions in the employment agreement place limitations on the employer's rights with respect to such inventions (e.g., requiring the company to

provide timely notice of its intentions with respect to such inventions). A firsthand statement, with supporting documents, confirming that Innovaris complied with all requirements for obtaining rights to the invention at issue is also required.

Based on the above, petitioner has not provided an acceptable showing that Innovaris had the required proprietary interest in the invention. Absent such a showing, it cannot be concluded that the contractual exchange between Innovaris to 37 CFR 1.47(b) Hermle provided Hermle with the necessary proprietary interest in the present application.

Item (5) of 37 CFR 1.47(b) is therefore not satisfied.

It is noted that, if petitioner seeks to demonstrate a proprietary interest obtained other than by assignment or agreement to assign, MPEP section 409.03(f) requires submission of the following:

> [A]n appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

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.

The Form PCT/DO/EO/903 and filing receipt mailed 25 August 2010 were sent in error, and 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.

James Thomson

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Portland, OR 97204

MAILED
DEC 23 2010
PCT LEGAL ADMINISTRATION

In re Application of
DIRSCHERL, Markus
U.S. Application No.: 12/596,135
PCT No.: PCT/EP2008/003050
Int. Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney's Docket No.: HOE.307
For: CARRIER MATERIAL FOR PRODUCING WORKPIECES

DECISION

This decision is in response to the renewed petition under 37 CFR 1.47(b) submitted on 21 October 2010.

BACKGROUND

On 31 August 2010, a decision dismissing applicant's petition under 37 CFR 1.47(a) was mailed. Applicant was given two months to respond with extensions of time available.

On 21 October 2010, applicant filed a renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a legal memorandum with accompanying documentary evidence in support of the legal memorandum.

DISCUSSION

The 37 CFR 1.47(b) applicant claims that Markus DIRSCHERL 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.

Item (5) of 37 CFR 1.47(b) is still outstanding as petitioner did not provide an acceptable showing that Innovaris Verwaltungs GmbH (Innovaris) had the required proprietary interest in the invention to transfer to the 37 CFR 1.47(b) applicant (Hermle Maschinenbau GmbH) in the initial petition.

In the renewed petition, applicant provided a legal memorandum by Mr. Oliver Spies, a German attorney who is familiar with the laws of Germany. Mr. Spies concludes that the weight of authority in Germany, the title to the above-captioned application "would be awarded to Hermle Maschinenbau GmbH (Hermle)" for the following reason. As a general manager and inventor of Innovaris Verwaltungs GmbH, no written agreement is required establishing that the inventor (Mr. DIRSCHERL) "assigned his rights in an invention to the company." Sufficient documentary evidence was submitted which provides the basis for Mr. Spies' conclusion.

A review of the legal memorandum and documentary evidence in support shows that the memorandum meets the requirements of MPEP § 409.03(f). Item (5) of 37 CFR 1.47(b) is 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 as set forth in the papers filed 04 March 2010 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 16 April 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 04 March 2010.

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

James Thomson

James Thomson
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Mr. Markus Dirscherl
Anemonenstraße 31
81547 München
Germany

MAILED

DEC 23 2010

PCT LEGAL ADMINISTRATION

In re Application of
DIRSCHERL, Markus
U.S. Application No.: 12/596,135
PCT No.: PCT/EP2008/003050
Int. Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney's Docket No.: HOE.307
For: CARRIER MATERIAL FOR PRODUCING WORKPIECES

Mr. Dirscherl:

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.

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DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
522 SW 5TH AVENUE
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PORTLAND, OR 97204-2126

MAILED
JUL 11 2011
OFFICE OF PETITIONS

Applicant: Hasezawa, et al.
Appl. No.: 12/596,214
International Filing Date: April 18, 2008
Title: Feature Quantity Selection Method, Feature Quantity Selection Apparatus, Image Classification Method, Image Classification Apparatus, Computer Program and Recording Medium
Attorney Docket: KDA 302
Pub. No.: US 2010/0172555 A1
Pub. Date: July 8, 2010

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

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on October 16, 2009 was not included in the publication.

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

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an

[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).

amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

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 August 6, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

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

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

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

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

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

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

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13 AUG 2010

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In re Application of:
SEAL et al.
Application No.: 12/596,222
PCT No.: PCT/GB2008/001339
Int. Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney Docket No.: 44385.0900
For: DIVERTER VALVE

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 25 June 2010 to accept the application without the signature of joint-inventor, Anthony Harman.

BACKGROUND

On 16 April 2008, applicants filed international application PCT/GB2008/001339 which claimed a priority date of 16 April 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 16 October 2009.

On 16 October 2009, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and an application data sheet.

On 25 January 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 25 June 2010, applicants filed the present petition under 37 CFR 1.47(a) and four-month extension of time.

DISCUSSION

Applicants claim that co-inventor Anthony Harman refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Item (4) has not been satified.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 06 May 2010 via Federal Express. The documents provided to Mr. Harman included instructions to sign and return the declaration. Further, the subject petition noted that the documents were delivered on 10 May 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

As to item (4), an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor has been included with the present petition. The declarations filed 25 June 2010 are not acceptable under 37 CFR 1.497. Specifically, the declaration lists the nonsigning inventor as Anthony Harmon, whereas the international application lists the nonsigning inventor as Anthony Harman. As stated in MPEP 201.03,

> a request under 37 CFR 1.48 will not be required: (B) Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required.

Applicants are required to provide an explanation of the typographical or transliteration error in the name of the nonsigning inventor, Anthony Harman.

For the reason stated above, it is not appropriate to accept the application without the signature of Anthony Harman under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition filed 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 MONTHS** from the mailing date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(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
Telephone: (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

Snell & Wilmer L.L.P. (Main)
400 East Van Buren
One Arizona Center
Phoenix, AZ 85004-2202

MAILED
OCT 21 2010
PCT LEGAL ADMINISTRATION

In re Application of:
SEAL et al.
Application No.: 12/596,222
PCT No.: PCT/GB2008/001339
Int. Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney Docket No.: 44385.0900
For: DIVERTER VALVE

DECISION ON PETITION

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 18 August 2010 to accept the application without the signature of joint-inventor, Anthony Harman.

BACKGROUND

On 16 April 2008, applicants filed international application PCT/GB2008/001339 which claimed a priority date of 16 April 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 16 October 2009.

On 16 October 2009, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and an application data sheet.

On 25 January 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 25 June 2010, applicants filed a petition under 37 CFR 1.47(a) and four-month extension of time. In a decision dated 13 August 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 18 August 2010, applicants filed "Renewed Petition under 37 CFR 1.47(a)."

DISCUSSION

Applicants claim that co-inventor Anthony Harman refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 06 May 2010 via Federal Express. The documents provided to Mr. Harman included instructions to sign and return the declaration. Further, the subject petition noted that the documents were delivered on 10 May 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

As to item (4), an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor has been included with the present petition. The declaration filed 18 August 2010 is acceptable under 37 CFR 1.497.

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

CONCLUSION

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

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

filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Anthony Harman
140 Fennells
Harlow
Essex CM19 4RR
United Kingdom

MAILED
OCT 21 2010
PCT LEGAL ADMINISTRATION

In re Application of:
SEAL et al.
Application No.: 12/596,222
PCT No.: PCT/GB2008/001339
Int. Filing Date: 16 April 2008
Priority Date: 16 April 2007
Attorney Docket No.: 44385.0900
For: DIVERTER VALVE

Dear Anthony Harman:

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:
Snell & Wilmer L.L.P. (Main)
400 East Van Buren
One Arizona Center
Phoenix, AZ 85004-2202

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United States Patent and Trademark Office
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www.uspto.gov

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

MAILED
APR 15 2011
OFFICE OF PETITIONS

Applicant: Juha Ylitalo
Appl. No.: 12/596,230
International Filing Date: April 25, 2007
Title: SIMULATION OF MULTI-ANTENNA RADIO CHANNEL
Attorney Docket No.: 187-159 PCT/US
Pub. No.:2010/0177836 A1
Pub. Date: July 15, 2010

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

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

21 SEP 2010

Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

In re Application of: SCHWAEBE et al. U.S. Application No. 12/596,240 PCT No.: PCT/US2008/060677 Int. Filing Date: 17 April 2008 Priority Date: 17 April 2007 Attorney Docket No. 532232003600 For: HYDRAZIDE COMPOUNDS AND USES THEREOF	DECISION ON REQUEST FOR WITHDRAWAL OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

This is in response to "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 03 August 2010 which is being treated as a Petition to Withdraw from Representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney are spelled out 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 . . . appropriate procedure will be followed pertaining to the withdrawal. The withdrawal is effective when approved rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, 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 another.

Since a power of attorney has not been filed in the present application, the request is DISMISSED AS MOOT. However, the request is being treated as a request for change of correspondence address. Since Michael G. Smith's name appears on the originally filed papers and he has signed the present request, the correspondence address will be changed

to that indicated on the present request.

All communications will be forwarded to:

Michael Schwaebe
13933 Kerry Lane
San Diego, CA 92130

CONCLUSION

In view of the above discussion, counsel's Request for Withdrawal is **DISMISSED AS MOOT**.

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
Telephone: (571) 272-3298

cc: Michael Schwaebe
13933 Kerry Lane
San Diego, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 01 2011
PCT LEGAL ADMINISTRATION

GlaxoSmithKline
Global Patents -US, UW2220
P. O. Box 1539
King of Prussia, PA 19406-0939

In re Application of	:	
CLEGG et al.	:	
U.S. App. No. 12/596,262	:	DECISION ON PETITION
PCT No.:PCT/EP2008/058060	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 April 2008	:	
Priority Date: 17 April 2007	:	
Attorney Docket: PU62421	:	
For: NOVEL COMPOUNDS	:	

The petition to revive under 37 CFR 1.137(b) filed 25 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 reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (Nucleotide Sequence and/or Amino Acid Sequence Disclosures) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. Thereafter, the Request for Continued Examination (RCE) submitted with the present petition will be forwarded to the appropriate Technology Center.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LARSON NEWMAN, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

MAILED

APR 19 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BAUER, et al. :
U.S. Application No.: 12/596,267 :
PCT No.: PCT/IB2007/051576 :
Int. Filing Date: 27 April 2007 : DECISION
Priority Date: None :
Attorney's Docket No.: SC14820TK :
For: SEMICONDUCTOR WAFER PROCESSING :

This decision is in response to applicant's "Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States" filed 29 March 2010 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.181 to assign a 35 U.S.C. 371 requirements completion date of 16 October 2009. No petition fee is required.

BACKGROUND

On 27 April 2007, applicant filed international application PCT/IB2007/051576. A copy of the international application was transmitted by the international bureau (IB) to the United States on 06 November 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 27 October 2009.

On 16 October 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and singed PCT Request box VIII-4 declaration. The declaration did not identify the international application number.

On 01 February 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.

On 29 March 2010, applicant filed the petition discussed herein indicating that the filed declaration was signed and properly identified the application to which it was directed.

DISCUSSION

Applicant cites the Manual of Patent Examining Procedure (MPEP) section 602, VI identification of application as evidence that the application was properly identified. Specifically, applicant highlights letter (B) which provides that the requirement will be satisfied if the declaration contains the names of the inventors, and attorney docket number which was on the specification as filed. In the present case, while an attorney docket number appears on the declaration, this attorney docket number does not appear on the specification. The only specification in the application is that forwarded by the IB. In addition, it does not appear that the declaration was submitted to the IB on the international filing date. As such, the declaration cannot be held to properly identify the application to which it is directed.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application is being returned to the Office of PCT Operations, National stage processing for the issuance of a "Notification of Defective Response" (Form PCT/DO/EO/916).

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

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: 2003320-0112	Application Number (if known): 12/596,272	Filing date: April 16, 2008

First Named Inventor: Kevin Jarrell

Title: GENERATION OF ACYL AMINO ACIDS

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /Fangli Chen/	Date September 15, 2010
Name (Print/Typed) Fangli Chen	Registration Number 51551

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

☐ *Total of _____ forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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.
12/596,272	06/29/2010	Kevin A. Jarrell	2003320-0112	1767

24280 7590 10/29/2010
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

EXAMINER
JOIKE, MICHELE K

ART UNIT	PAPER NUMBER
1636	

NOTIFICATION DATE	DELIVERY MODE
10/29/2010	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):

lbradley@choate.com
patentdocket@choate.com
jhess@choate.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 29 2010

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of	:	
JARRELL, Kevin et al.	:	DECISION ON PETITION
Application No. 12/596272	:	TO MAKE SPECIAL UNDER
Filed: June 29, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2003320-0112	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed September 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1636 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

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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MAIL

APR 04 2011
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
NAKATA, KAZUHIRO	:	DECISION ON REQUEST TO
Application No. **12/596288**	:	PARTICIPATE IN PATENT
Filed: **10/16/2009**	:	PROSECUTION HIGHWAY
Attorney Docket No. **1163-0751PUS1**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 22, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest office 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 Daniel Swerdlow at 571-272-7531.

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.

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

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BIRCH STEWART KOLASCH & BIRCH
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FALLS CHURCH VA 22040-0747

MAILED
NOV 18 2011
OFFICE OF PETITIONS

Applicants: Anne Marjamaki, et al.
Appl. No.: 12/596,292
International Filing Date: April 16, 2008
Title: METHOD FOR SELECTING RESPONDERS TO BLOCKADE OF INTEGRIN RECEPTORS
Attorney Docket: 0837-0246PUS1
Pub. No.: US 20110150859 A1
Pub. Date: June 23, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 23, 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

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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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

MAILED
AUG 03 2010
OFFICE OF PETITIONS

In re Application of :
Petrus Johannes Gerardus VAN LIESHOUT, et *al.* :
Application No. 12/596,336 : NOTICE UNDER 37 CFR 1.28
Filed: February 17, 2010 :
Attorney Docket No. **268125** :

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) 272-7253.

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

03 SEP 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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Bohan Mathers
P.O. Box 17707
Portland, ME 04112-8707

In re Application of	:	
MENZEL et al.	:	
U.S. Application No.: 12/596,372	:	
PCT No.: PCT/DE2008/000627	:	DECISION ON PETITION
Int. Filing Date: 15 April 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: 17 April 2007	:	
Attorney Docket No.: 09-121	:	
For: DENTAL IMPLANT SYSTEM	:	

This decision is issued in response to applicants' (second) "Renewed Petition under 37 CFR 1.47(a)" filed 31 August 2010. In a decision dated 30 July 2010, the (first) "Renewed Petition under 37 CFR 1.47(a)" filed 23 June 2010 was dismissed because applicants had not submitted a clear statement of the last known address of the nonsigning inventor (Konstantinos Arapoglou).

The procedural background for this application was set forth in detail in the decision mailed by this Office on 30 July 2010.

DISCUSSION

Applicants claim that co-inventor Konstantinos Arapoglou refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1),(2), and (4) have been previously satisfied.

Regarding item (3) above, petitioner has provided a clear statement of the last known address of the non-signing inventor.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

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

The application will be given an international filing date of 15 April 2008 under 35 U.S.C. 363, and a date of 23 June 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 of PCT Legal Administration
Telephone: 571-272-3298

03 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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Konstantinos Arapoglou
Elsa-Brandstrom Strasse 23A
76228 Karlsruhe Germany

In re Application of
MENZEL et al.
U.S. Application No.: 12/596,372
PCT No.: PCT/DE2008/000627
Int. Filing Date: 15 April 2008
Priority Date: 17 April 2007
Attorney Docket No.: 09-121
For: DENTAL IMPLANT SYSTEM

Dear Konstantinos Arapoglou:

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:
Bohan Mathers
P.O. Box 17707
Portland, ME 04112-8707

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	12596435
Filing Date	17-Oct-2009
First Named Inventor	Christine Wargo
Art Unit	3643
Examiner Name	SHADI BANIANI
Attorney Docket Number	184.002
Title	Arrangement Device

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 31989

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

10.40(c)(5)

Certifications

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

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

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

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

Name	Christine Wargo
Address	100 Amherst Drive
City	Dickson City
State	PA
Postal Code	18519
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Mitchell A. Smolow/
Name	Mitchell A. Smolow
Registration Number	43140

UNITED STATES 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 13, 2012

In re Application of :

Christine Wargo

Application No : 12596435

Filed : 17-Oct-2009

Attorney Docket No : 184.002

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 13, 2012

The request is **APPROVED.**

The request was signed by Mitchell A. Smolow (registration no. 43140) on behalf of all attorneys/agents associated with Customer Number 31989 . All attorneys/agents associated with Cusotmer Number 31989 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	Christine Wargo
Name2	
Address 1	100 Amherst Drive
Address 2	
City	Dickson City
State	PA
Postal Code	18519
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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Guy Kevin Townsend
11750 Carmel Drive
Lakewood CO 80215

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of

Ronald John Rosenberger
Application No. 12/596,444
Filed: October 18, 2009
Attorney Docket No. **Cash WithDrawalUS1**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 4, 2011.

The request is **APPROVED**.

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

The request was signed by Guy Kevin Townsend on behalf of all attorneys of record who are associated with Customer Number 77079.

All attorneys/agents associated with Customer Number 77079 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Ronald John Rosenberger at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Ronald John Rosenberger
6 Partridge Court
Newtown, PA 18940

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
12/596,444	10/18/2009	Ronald John Rosenberger	Cash WithDrawalUS1

CONFIRMATION NO. 2026

POWER OF ATTORNEY NOTICE

77079
Guy Kevin Townsend
11750 Carmel Drive
Lakewood, CO 80215

OC000000051693170

Date Mailed: 12/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2011.

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

/jlburke/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

06 OCT 2010

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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22830
CARR & FERRELL, LLP
120 Constitution Drive
Menlo Park, CA 94025

In re Application of	:	
HA *et al*	:	
U.S. Application No.: 12/596,445	:	**DECISION ON**
PCT No.: PCT/KR2008/002018	:	**PETITION UNDER**
Int. Filing Date: 10 April 2008	:	**37 CFR 1.137(b)**
Priority Date: None	:	
Attorney Docket No.: PA5076US	:	
For: THERMOELECTRIC MODULE	:	

Applicants' petition to revive under 37 CFR 1.137(b) filed on 24 August 2010 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

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

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of
Hideki Kajima
Application No.: 12/596,461
Filed: October 19, 2009
Attorney Docket No.: LEGGED MOBILE ROBOT AND METHOD OF CONTROLLING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 19, 2011, 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 Terri Johnson at 571-272-2991.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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NOV 04 2010

PCT LEGAL ADMINISTRATION

Paul Poniatowski
12-11Keniga ul.
Warsaw 02-49-5
POLAND

In re Application of	DECISION ON
Paul Poniatowski	
Application No.: 12/596,531	
PCT No.: PCT/CA04/00513	PETITION UNDER
Int. Filing Date: 07 April 2004	
Priority Date: 07 April 2003	37 CFR 1.182
Attorney's Docket No.: N/A	
For: Mobile Payment System (MPS)	

This is in response to applicants' submission, "PETITION UNDER 37 C.F.R. 1.182 TO CONVERT APPLICATION UNDER 35 USC 371... PRIORITY CLAIM UNDER 35 USC 120," filed 02 September 2010. The petition requests the above referenced application be converted from a national stage application filed under 35 U.S.C. 371 to a national application filed under U.S.C. 111(a). The $400.00 petition fee has been charged to Deposit Account 504189.

BACKGROUND

In a communication from this Office on 28 July 2010, the Office stated the submission of two sets of national stage papers to enter the USPTO was improper. As the proper national stage of PCT application PCT/CA04/00513 is 12/087,539 and not 12/596,531.

On 02 September 2010, petitioner filed a petition to convert the above national stage application filed under 37 USC 371 to an application filed under 35 USC 111(a).

DISCUSSION

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 a PCT application in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international PCT application.

A review of the file reveals that 35 U.S.C. 371 was improper for this application because petitioner has already filed a proper national stage application, 12/087,539, for PCT/CA04/00513 and only one national stage may be filed from a PCT application. As a result, this application can not be treated as a national stage application under 35 U.S.C. 371. Accordingly, it would be appropriate to consider the conversion of the application to an application under 35 U.S.C. 111(a) at this time.

Petitioner's petition to convert the application from a filing under 35 U.S.C. 371 to an application under 35 U.S.C. 111(a) can be granted.

CONCLUSION

The petition under 37 CFR 1.182 for reasons noted above is **GRANTED**.

This application is being forward to Office Initial Patent Examination(OIPE) for continued processing.

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

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	12596535
Filing Date	15-Apr-2010
First Named Inventor	Jade Kizer
Art Unit	2824
Examiner Name	TUAN NGUYEN
Attorney Docket Number	3684.1004-004
Title	CLOCK SYNCHRONIZATION IN A MEMORY 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	/Benjamin Sparrow/
Name	Benjamin Sparrow
Registration Number	62259

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : November 23,2011

In re Application of :

Jade Kizer

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12596535

Filed : 15-Apr-2010

Attorney Docket No : 3684.1004-004

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 23,2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2824 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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OCT 14 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

In re Application of	:	
BREMNER et al.	:	DECISION ON
Serial No.: 12/596,543	:	
PCT No.: PCT/GB08/01364	:	PETITION
Int. Filing Date: 17 April 2008	:	
Priority Date: 20 April 2007	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: HL00101	:	
For: ULTRA WIDEBAND ANTENNA	:	

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 18 August 2010 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor Duncan Bremner.

BACKGROUND

On 17 April 2008, applicant filed international application PCT/GB2008/001364. The application claimed a priority date of 20 April 2007, and it designated the United States. On 30 October 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., 20 October 2009.

On 19 October 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 17 February 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 18 August 2010, a response to the Notification Of Missing Requirements was filed (without the required four-month extension fee). The response included payment of the required surcharge and the "Petition Under 37 CFR §1.47(a)" considered herein. The petition requests acceptance of the application without the signature of inventor of record Duncan Bremner,

whom petitioner asserts has refused to execute the application.

DISCUSSION

At the outset, it is noted that a four month extension of time is required. The 905 was mailed on 17 February 2010, giving a two month period for reply or by 17 April 2010. Extensions of time were available. Applicant's reply was filed on 17 August 2010, requiring a four month extension of time. Applicant authorized payment of any additional fees to be taken from his deposit account. Therefore, the four month extension of time fee of $1730 will be charged to his deposit account per his authorization.

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant paid $400 for the petition fee. However, the petition fee for a petition under 37 CFR 1.47(a) is $200. The $200 payment overage will be refunded to applicant's deposit account. Item (1) is 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." nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, Petitioner submitted a statement from Johanna McCormick, with supporting documents, providing firsthand confirmation that requests for signature accompanied by a copy of the application have been forwarded to the non-signing inventor at his last known address and via email and that the inventor has not responded to such requests. The petition also includes evidence confirming that at least one such request, forwarded by courier, was signed for by the inventor at his address. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (2) is therefore satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition was accompanied by declarations signed on behalf of the nonsigning inventor by the joint inventors. Item (4) is therefore satisfied.

In sum, Items (1)-(4) are satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 17 August 2010. The application has an international filing date of 17 April 2008 under 35 U.S.C. 363, and a date of 17 August 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

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

MAILED

OCT 14 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DUNCAN BREMNER
'BRAEDINE'
JOHNSHILL
LOCHWINNOCH
RENFREWSHIRE
SCOTLAND
PA12 4 EL
UNITED KINGDOM

In re Application of
BREMNER et al.
Serial No.: 12/596,543
PCT No.: PCT/GB08/01364
Int. Filing Date: 17 April 2008
Priority Date: 20 April 2007
Atty Docket No.: HL00101
For: ULTRA WIDEBAND ANTENNA

Dear Mr. Bremner:

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED
MAR 10 2011
PCT LEGAL ADMINISTRATION

In re Application of:	:	
WOSKOV, Paul, P., et al.	:	DECISION
U.S. Application No.: 12/596,585	:	(37 CFR 1.137(b))
Int'l Application No: PCT/US2007/068651	:	
Int'l Filing Date: 10 May 2007	:	
Priority Date: 10 May 2006	:	
Atty Docket No.: 0492611-0930 (MIT 12178)	:	
For: DIRECTED ENERGY MELTER	:	

This decision is issued in response to the "Request For Reconsideration Of Petition Under 37 C.F.R. § 1.137(b)" filed on 16 February 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 16 December 2009. The decision dismissed without prejudice applicants' petition for revival under 37 CFR 1.137(b), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, the decision indicated that the petition did not provide an acceptable statement confirming that the entire delay in filing the present national stage application was unintentional.

On 16 February 2010, applicants filed the "Request For Reconsideration Of Petition Under 37 C.F.R. § 1.137(b)" considered herein as a renewed petition for revival.

DISCUSSION

The renewed petition for revival was accompanied by a declaration from John H. Turner, Jr., a representative of the assignee Massachusetts Institute of Technology (MIT) with responsibility for the prosecution of the present application (with accompanying documents). The statement reaffirms the assertion made in the original petition that the abandonment of the present application was unintentional.

The statements included with the renewed petition, in combination with those set forth in the original petition, are accepted as satisfying the final requirement for a grantable petition under 37 CFR 1.137(b), that this, the 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."

Based on the above, applicants have now satisfied the requirements for a grantable petition under 37 CFR 1.137(b). Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

CONCLUSION

The petition for revival of international application PCT/US2007/068651 under 37 CFR 1.137(b) is **GRANTED.**

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing.

/RichardMRoss/

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

3 AUG 2010

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United States Patent and Trademark Office
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of ANNAN et al. Application No.: 12/596,673 PCT No.: PCT/US08/67577 Int'l Filing Date: 20 June 2008 Priority Date: 27 June 2007 Attorney Docket No.: BA9402USPCT For: SOLID FORMULATIONS OF CARBOXAMIDE ARTHROPODICIDES	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 23 June 2010. The $400 petition fee was paid.

On 20 October 2009, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/596,673. However the international application PCT/US08/67588 as indicated on the electronic acknowledgement receipt differed from the PCT application number (PCT/US08/67577) on the transmittal letter. On 25 February 2010, a Notification of Acceptance was mailed.

On 23 June 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/US08/**67577** on the national stage papers filed on 23 June 2010 is **GRANTED.** The 25 February 2010 Notification of Acceptance is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including identifying the present application **12/596,673** as the national stage of **PCT/US08/67577**.

/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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Alexandria, VA 22313-1450
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of	:	
Kurt Stippler, et al.	:	
Application No. 12/596,694	:	DECISION ON PETITION
Filed: October 20, 2009	:	
Attorney Docket No. 30051/44913	:	

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
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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
Kurt Stippler, et al.
Application No. 12/596,694
Filed: March 3, 2010
Attorney Docket No. 30051/44913

DECISION ON PETITION

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
12/596,694	03/03/2010	1781	1110	30051/44913	20	2

CONFIRMATION NO. 3699

CORRECTED FILING RECEIPT

4743
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

OC000000044479687

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)

Kurt Stippler, Marzling, GERMANY;
Klaus-Karl Wasmuht, Ellingen, GERMANY;
Cornelia Folz, Regensburg, GERMANY;
Heinz Humele, Thalmassing, 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/EP08/02671 04/03/2008

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 07008788.7 04/30/2007

If Required, Foreign Filing License Granted: 04/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/596,694**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Spent Grain Bunker

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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/596,727	01/26/2010	Michio Yoshida	349692US26PCT	3988

22850 7590 10/24/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
DODD, RYAN P

ART UNIT	PAPER NUMBER
3655	

NOTIFICATION DATE	DELIVERY MODE
10/24/2011	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 2 1 2011

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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**
Yoshida et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/596,727	:	**PROSECUTION HIGHWAY**
Filed: January 26, 2010	:	**PROGRAM AND PETITION**
For: HYDRAULIC CONTROL UNIT	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 5, 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: 10/2011

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

MAILED
OCT 28 2010
PCT LEGAL ADMINISTRATION

In re Application of TONER et al	:	
U.S. Application No.: 12/596,768	:	
PCT Application No.: PCT/US2008/005066	:	DECISION
Int. Filing Date: 21 April 2008	:	
Priority Date Claimed: 20 April 2007	:	
Attorney Docket No.: 25883-0003US1	:	
For: METHODS FOR COUNTING CELLS	:	

This is in response to applicant's petition under 37 CFR 1.497(d) filed 13 September 2010.

BACKGROUND

On 21 April 2008, applicant filed international application PCT/US2008/005066, which claimed priority of an earlier United States application filed 20 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 October 2009.

On 20 October 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 04 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 03 August 2010, applicant filed executed declarations.

On 13 August 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 13 September 2010, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Yi-Shao Liu 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 statement signed by Yi-Shao Liu is not acceptable. In particular, Liu incorrectly states that he/she is an original named inventor. Furthermore, Liu states that the application was mistakenly filed naming Liu as an inventor, when in fact Liu was not named as an inventor.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, MPEP 201.03, Section II. D., states in relevant part, "Where no assignee exists requester should affirmatively state that fact. If the file record including the request is silent as to the existence of an assignee it will be presumed that no assignee exists. Such presumption should be set forth in the decision to alert requesters to the requirement." In the present case, the petition fails to affirmatively state that the application has not been assigned by any of the original named inventors, and it is presumed that no assignee exists.

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 DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are

available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)".

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
SEP 20 2011
PCT LEGAL ADMINISTRATION

In re Application of TONER et al	:	
U.S. Application No.: 12/596,768	:	
PCT Application No.: PCT/US2008/005066	:	DECISION
Int. Filing Date: 21 April 2008	:	
Priority Date Claimed: 20 April 2007	:	
Attorney Docket No.: 25883-0003US1	:	
For: METHODS FOR COUNTING CELLS	:	

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed 28 April 2011.

BACKGROUND

On 21 April 2008, applicant filed international application PCT/US2008/005066, which claimed priority of an earlier United States application filed 20 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 October 2009.

On 20 October 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 04 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 03 August 2010, applicant filed executed declarations.

On 13 August 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 13 September 2010, applicant filed a petition under 37 CFR 1.497(d).

On 28 October 2010, this Office mailed a decision dismissing the 13 September 2010 petition.

On 28 April 2011, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Yi-Shao Liu 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 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 renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 April 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 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.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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:	12/596,800	Filing date:	May 28, 2010
First Named Inventor:	Thomas E. Jenkins		
Title of the Invention:	Therapeutic Compounds		

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/US2008/63082

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

☑ 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.:	12/596,800
First Named Inventor:	Thomas E. Jenkins

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on May 28, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on May 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		Please see attached Claims Correspondence Table.

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

Signature	/Rudy J. Ng, Reg.No.56741/	Date	November 17, 2010
Name (Print/Typed)	Rudy J. Ng	Registration Number	56,741

Application No.: 12/596,800
First Named Inventor: Thomas E. Jenkins

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

II. CLAIMS CORRESPONDENCE TABLE

Claims in U.S. Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-13	1-13	Claims are of same or similar scope.
17	1 and 17	U.S. claim 17 includes elements of PCT claims 1 and 17.
18-19	18-19	Claims are of same or similar scope.
20	1-2	U.S. claim 20 includes elements of PCT claims 1-2.
21	1-3	U.S. claim 21 includes elements of PCT claims 1-3.
22	1-3 and 8	U.S. claim 22 includes elements of PCT claims 1-3 and 8.
23	1-3 and 8-9	U.S. claim 23 includes elements of PCT claims 1-3 and 8-9.
24	1-3 and 11	U.S. claim 24 includes elements of PCT claims 1-3 and 11.
25	1-3 and 11-12	U.S. claim 25 includes elements of PCT claims 1-3 and 11-12.
26, 28, 30, 32 and 34	1 and 17	U.S. claims 26, 28, 30, 32 and 34 include elements of PCT claims 1 and 17.
27, 29, 31, 33 and 35	1, 4 and 17	U.S. claims 27, 29, 31, 33 and 35 include elements of PCT claims 1, 4 and 17.
36	1-2 and 4-5	U.S. claim 36 includes elements of PCT claims 1-2 and 4-5.
37	1-3 and 5	U.S. claim 37 includes elements of PCT claims 1-3 and 5.
38	1-5	U.S. claim 38 includes elements of PCT claims 1-5.
39	1-3 and 5-6	U.S. claim 39 includes elements of PCT claims 1-3 and 5-6.
40	1-3 and 5-7	U.S. claim 40 includes elements of PCT claims 1-3 and 5-7.

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
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/596,800	05/28/2010	Thomas E. Jenkins	PFOR-0717	4593

84182 7590 03/15/2011
PharmacoFore, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER
WITHERSPOON, SIKARL A

ART UNIT	PAPER NUMBER
1621	

MAIL DATE	DELIVERY MODE
03/15/2011	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

MAR 1 5 2011

Commissioner for Patents
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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

In re Application of	:	
THOMAS JENKINS	:	DECISION ON REQUEST TO
Application No. 12/596,800	:	PARTICIPATE IN PATENT
Filed: May 28, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No.: PFOR-0717	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

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(d), filed November 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Cecilia Tsang
Cecilia 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
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PHARMACO FORE, INC.
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO CA 94303

MAILED
NOV 07 2011
OFFICE OF PETITIONS

Applicant: Thomas E. Jenkins
Appl. No.: 12/596,800
International Filing Date: May 8, 2008
Title: THERAPEUTIC COMPOUNDS
Attorney Docket: PFOR-0717
Pub. No.: US 20100292346A1
Pub. Date: November 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 12, 2011 for the above-identified application.

The request is Dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors in the title, the abstract and in Example 1of the specification.

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

The errors noted by requestor in the title and abstract of the publication are **not** Office errors. The Office published the title provided in the Application Data Sheet, the Transmittal Form and the Abstract on the WIPO publication filed October 20, 2009. The error in Example 1 is an Office error, but not a material Office error under 37 CFR 1.221(b). The mistake is a minor typographical error and it 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. See MPEP 1130B.

On August 9, 2010, a Filing Receipt was mailed by the Office, which improperly listed the title. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. In this instance however, the request for a Corrected Filing Receipt was received on January 12, 2011, and corrected on January 14, 2011, which indicates the desired title as "THERAPEUTIC COMPOUNDS".

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 Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 06 2010

PCT LEGAL ADMINISTRATION

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

In re Application of
Schoelkopf et al.
Application No.: 12/596,826
PCT No.: PCT/EP2008/0055955
Int. Filing Date: 15 May 2008
Priority Date: 15 May 2007
Attorney Docket No.: ARSI-061
For: Method For Controlling The Shape Of Talc Particles

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 01 March 2010.

BACKGROUND

International application PCT/EP2008/055955 was filed on 15 May 2008, claimed an earlier priority date of 15 May 2007, and designated the United States. The International Bureau transmitted a copy of the international application to the USPTO on 20 November 2008. The period for payment of the basic national fee in the United States expired as of midnight on 15 November 2009. Applicants filed *inter alia* a basic national fee in 12/596,826 on 20 October 2009.

On 17 February 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring additional fees, an oath or declaration compliant with 37 CFR 1.497(a) and (b), and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter filed on 20 October 2009 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2008/055955," while the Electronic Acknowledgment Receipt dated 20 October 2009 identifies "PCT/US08/055955." The bibliographic information for this case resembles that for PCT/EP2008/0055955, not PCT/US2008/0055955. For instance, PCT/EP2008/0055955 has the same international filing date, priority date, title and applicant as shown for this application. Resolution of this discrepancy 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.

Petitioner has filed a petition under 37 CFR 1.182, indicating that "when the international application number was entered in the application data section on EFS Web, there was a clerical typographical error." Petitioner requests correction of the international application number to PCT/EP2008/0055955. Based on the totality of the evidence of record, it would be appropriate to accept petitioner's statements as to the identity of the information sought to enter the national stage in the United States.

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 consistent with this Decision, including the correction of the electronic records of the USPTO to identify the correct national stage parentage with respect to PCT/EP2008/0055955 and the removal from the application of papers pertaining to PCT/US2008/0055955. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **01 March 2010**.

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

Modified PTO/SB/20PCT-JP (01-2010)
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.:	12/596,927	Filing Date:	October 21, 2009
First Named Inventor:	Masaki KUROKAWA	Attorney Docket No.:	2009_1638A
Title of the Invention:	FLUORORESIN TUBE AND PROCESS FOR PRODUCING 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/JP2008/058674

The international date of the corresponding PCT application(s) is/are: May 9, 2008

I. List of Required Documents:

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

[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 October 21, 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 October 21, 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.

Modified PTO/SB/20PCT-JP (01-2010)
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.:	12/596,927
First Named Inventor:	Masaki KUROKAWA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same except US claim depends only on claim 1, PCT claim was multiple dependent on claims 1 or 2
4	4	Same
5	5	Same
6	6	Same
7	7	Same except US claim depends only on claim 1, PCT claim was multiple dependent on any of claims 1-3
8	3	Same except US claim depends only on claim 2, PCT claim was multiple dependent on claims 1 or 2
9	7	Same except US claim depends only on claim 2, PCT claim was multiple dependent on claims 1 or 2
10	7	Same except US claim depends only on claim 3, PCT claim was multiple dependent on claims 1 or 2

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

Signature /Jeffrey R. Filipek/ 2011.06.10 13:54:12 -04'00'	Date: June 10, 2011
Name: (Print/Type) Jeffrey R. Filipek	Registration No. 41,471

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference P08-58	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/058674	International filing date *(day/month/year)* 09 May 2008 (09.05.2008)	Priority date *(day/month/year)* 10 May 2007 (10.05.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GUNZE LIMITED		

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:

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

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

	Date of issuance of this report 24 November 2009 (24.11.2009)
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:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference P08-58	Date of mailing *(day/month/year)* **FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/058674	09.05.2008	10.05.2007

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

Applicant
GUNZE LIMITED

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/JP2008/058674

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/JP2008/058674

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	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 5-200904 A (Gunze Ltd.), 10 August 1993, claims, paragraphs [0012] and [0014]

Document 2: JP 5-229077 A (Gunze Ltd.), 07 September 1993, claims, paragraph [0018]

The invention as set forth in claims 1-7 is neither described nor suggested in any of the documents cited in the ISR, and therefore is novel and involves an inventive step.

VERIFICATION OF TRANSLATION

U.S. Patent Application Serial No. 12/596927

I, Hiromi NISHIDA, of Kitahama TNK Building,
7-1, Dosho-machi 1-chome, Chuo-ku,
Osaka 541-0045, Japan

hereby declare that I am the translator of the document attached and certify that the following is true translation to the best of my knowledge and belief.

Signature of translator Hiromi Nishida
Hiromi NISHIDA

Dated this 10th day of May, 2011

English Translation of claims (PCT/JP2008/058674;WO2008/14035)

[CLAIMS]

1. A fluororesin tube having an average thickness of 70 μm or less and an outer diameter of 100 mm or more, wherein variation in the tube thickness is within ±20% of the average tube thickness, and a degree of orientation (F) is within a range of 0.25 to 0.55.

2. The fluororesin tube according to Claim 1, wherein the fluororesin is at least one member selected from the group consisting of PFA, FEP, ETFE and a mixture thereof.

3. The fluororesin tube according to Claim 1 or 2, having no folds.

4. A process for producing a fluororesin tube, comprising:

subjecting a fluororesin to melt extrusion to produce a tube-shaped fluororesin; and

bringing both outer and inner surfaces of the tube-shaped fluororesin separately into contact with outer and inner diameter-regulating jigs while applying an internal pressure to inside the tube-shaped fluororesin, so as to maintain its tube shape.

5. The process for producing a fluororesin tube according to Claim 4,

wherein the inner surface of the tube-shaped fluororesin is brought into contact with the inner diameter-regulating jig, and subsequently the outer surface of the tube-shaped fluororesin is brought into contact with the outer diameter-regulating jig.

6. The process for producing a fluororesin tube

according to Claim 5,

wherein a cylindrical protector provided with a metal mold encloses the outer periphery of the tube-shaped fluororesin to an area where the tube-shaped fluororesin is brought into contact with the inner diameter-regulating jig.

7. A surface release layer of a belt for an image forming apparatus employing an electrophotographic system, comprising a fluororesin tube of any of Claims 1 to 3.

請求の範囲

[1] 平均厚みが70μm以下であり外径が100mm以上のフッ素樹脂チューブであって、該チューブの厚みのばらつきが該チューブの平均厚み±20%以内であり、配向度(F)が0.25～0.55の範囲であるフッ素樹脂チューブ。

[2] フッ素樹脂がPFA、FEP、ETFE、及びこれらの混合物からなる群より選ばれる少なくとも1種である請求項1に記載のフッ素樹脂チューブ。

[3] 折り目を持たないことを特徴とする請求項1又は2に記載のフッ素樹脂チューブ。

[4] フッ素樹脂をチューブ状に溶融押出して、該チューブ状フッ素樹脂の外面と内面の両方を径規制治具に接触させるとともに、該チューブ状フッ素樹脂内面に内圧をかけてチューブの形状を保持することを特徴とするフッ素樹脂チューブの製造方法。

[5] 該チューブ状フッ素樹脂の内面を径規制治具に接触させた後、その外面を径規制治具に接触させることを特徴とする請求項4に記載のフッ素樹脂チューブの製造方法。

[6] 該チューブ状フッ素樹脂が内面規制治具に接触するまでの範囲において、金型に設けられた円筒状のカバーで該チューブ状フッ素樹脂の外周を覆うことを特徴とする請求項5に記載のフッ素樹脂チューブの製造方法。

[7] 請求項1～3のいずれかに記載のフッ素樹脂チューブからなる電子写真方式を用いた画像形成装置に使用されるベルト表面離型層。

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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/596,927	10/21/2009	Masaki Kurokawa	2009_1638A	5913

513 7590 07/13/2011
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
DYE, RENA

ART UNIT	PAPER NUMBER
1782	

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):

ddalecki@wenderoth.com
eoa@wenderoth.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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CT

July 12, 2011

In re application of	:	DECISION ON REQUEST TO
Masaki Kurokawa	:	PARTICIPATE IN PATENT
Serial No. 12/596,927	:	PROSECUTION HIGHWAY
Filed: October 21,2009	:	PROGRAM AND
For: FLUORORESIN TUBE AND PROCESS	:	PETITION TO MAKE SPECIAL
FOR PRODUCING THE SAME	:	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 10, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED
MAR 28 2011
PCT LEGAL ADMINISTRATION

In re Application of :
HESS, et al. :
U.S. Application No.: 12/596,967 :
PCT No.: PCT/US2008/001394 : DECISION
Int. Filing Date: 01 February 2008 :
Priority Date: 01 February 2007 :
Attorney Docket No.: 081913-0142US :
For: CONTAINER SECURITY DEVICES, SYSTEMS :
AND METHODS :

This is in response to "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 22 April 2010 which is being treated as a Petition to Withdraw from Representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney are spelled out 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 . . . appropriate procedure will be followed pertaining to the withdrawal. The withdrawal is effective when approved rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, 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 another.

Since a power of attorney has not been filed appointing the practitioners associated with customer number 48329 in the present application, the request is **DISMISSED AS MOOT**. However, applicant provided an appointment of attorney form on 10 May 2010 accompanied by a statement under 37 CFR 3.73(b). The new power of attorney is recognized and the correspondence address will be update to that of customer number 35859.

CONCLUSION

In view of the above discussion, counsel's Request for Withdrawal is **DISMISSED AS MOOT**.

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
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Nathan NAVEH et al.

Application No. 12596984

Filed:

Attorney Docket No. 4116/5

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

SEP 15 2011

PCT LEGAL ADMINISTRATION

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

In re Application of:
FRIEDMAN, Rick, et al.
U.S. Application No.: 12/597,054
PCT No.: PCT/US2008/061330
International Filing Date: 23 April 2008
Priority Date: 23 April 2007
Attorney's Docket No.: 37173-725.831
For: TREATMENT AND/OR PREVENTION OF PRESBYCUSIS BY MODULATION OF METABOTROPIC GLUTAMATE RECEPTOR 7

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to the "Petition Under 37 CFR §1.182" filed on 08 August 2011. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed on 28 July 2011. The communication indicated that a petition under 37 CFR 1.182 was required to change the names of record for three of the inventors to correspond to the names listed for these inventors on the declaration filed herein on 19 March 2010.

On 08 August 2011, applicants filed the petition under 37 CFR 1.182 considered herein.

DISCUSSSION

The present petition requests that the names of record for the following three inventors as follows: Richard FRIEDMAN to Rick FRIEDMAN, Stephan DIETRICH to Dietrich STEPHAN, and Guy VAN KAMP to Guido VAN KAMP. The petition confirms that the correct legal names for these inventors are Rick FRIEDMAN, Dietrich STEPHAN, and Guido VAN KAMP, and it states that the discrepancies in these inventors' names resulted from inadvertent errors on the PCT Request Form. The petition was accompanied by the required petition fee.

The present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the names of record of Richard FRIEDMAN to Rick FRIEDMAN, Stephan DIETRICH to Dietrich STEPHAN, and Guy VAN KAMP to Guido VAN KAMP. The

corrected names correspond to the names of these inventors, as set forth on the declaration filed herein on 19 March 2010.[1]

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the names of record of inventors Richard FRIEDMAN to Rick FRIEDMAN, Stephan DIETRICH to Dietrich STEPHAN, and Guy VAN KAMP to Guido VAN KAMP is **GRANTED**.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) remains 19 March 2010, as set forth in the Notification Of Acceptance (Form PCT/DO/EO/903) mailed on 26 April 2010.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for issuance of a corrected filing receipt which correctly identifies the first inventor as Rick FRIEDMAN, the second inventor as Dietrich STEPHAN, and the third inventor as Guido VAN KAMP.

/RichardMRoss/

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

[1] It is noted that the present submission was accompanied by complete copies of the declarations executed by each of the inventors.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,104	11/05/2009	Shusei Kin	2009_1630A	7598

513 7590 04/04/2011
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
COHEN, JODI F

ART UNIT	PAPER NUMBER
1741	

NOTIFICATION DATE	DELIVERY MODE
04/04/2011	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):

ddalecki@wenderoth.com
eoa@wenderoth.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

APR - 4 2011

CST

In re application of Shusei Kin et al Serial No. 12/597,104 Filed: November 5, 2009 For: PROCESS FOR PREPARING GLASS SHEET AND GLASS SHEET PRODUCING EQUIPMENT	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 9, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,143.	10/22/2009	Yoshiyuki Noda	04632.0137	7934

22852 7590 10/14/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
KASTLER, SCOTT R

ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
10/14/2010	PAPER

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

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

Best Available Copy

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OCT 14 2010

BC

In re application of	:	DECISION ON REQUEST TO
Yoshiyuki Noda et al.	:	PARTICIPATE IN PATENT
Serial No. 12/597,143	:	PROSECUTION HIGHWAY
Filed: October 22, 2009	:	PROGRAM AND
Atty Docket No: 04632.0137	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 10, 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 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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DEC 16 2011

OFFICE OF PETITIONS

SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON DC 20036

In re Application of	:
Liu, et al.	: DECISION ON PETITION
Application No. 12/597,173	:
Filed: October 23, 2009	:
Docket No.: 034315.005	:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned July 1, 2011 for failure to timely reply to the non-final Office action mailed March 30, 2011. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed November 21, 2011.

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

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application will be forwarded to Technology Center 1600 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

2 4 SEP 2010

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Dr. BANGER SHIA
Patent Office of Bang Shia
102 Lindencrest Ct.
Sugar Land TX 77479-5201

In re Application of Lu et al. Application No.: 12/597,226 PCT No.: PCT/CN2008/000839 Int. Filing Date: 24 April 2008 Priority Date: 24 April 2007 Attorney Docket No.: CFP-4502 (C-685) For: Method And Device For Measuring Blood Flow Velocity	:	DECISION

This is in response to the "Petition for Review and Processing by the PCT Legal Office" filed on 27 July 2010.

DISCUSSION

In a Decision mailed on 02 July 2010, the declaration filed on 15 April 2010 was not accepted for purposes of compliance with 37 CFR 1.497(a) and (b), without prejudice, because

> Inspection of the declaration filed on 15 April 2010 reveals that the spellings of the inventors' names differ from those appearing on the published international application, but counsel has not provided an adequate explanation of the discrepancies (or, if appropriate, a petition under 37 CFR 1.182).

In response, petitioner has provided a "Substitute Declaration" nominating and signed by the same inventive entity as was named in the published international application.. This declaration is accepted for purposes of compliance with 37 CFR 1.497(a) and (b). The $65.00 surcharge under 37 CFR 1.492(h) is being charged to Deposit Account No. 50-4855, per the authorization filed on 15 April 2010. Petitioner's submissions regarding Yi-Te LU are acknowledged, and have been placed in the application file.

DECISION

The petition is **GRANTED** to the extent noted.

The declaration filed on 27 July 2010 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **27 July 2010**.

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

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MINNEAPOLIS, MN 55458-1336

MAILED
APR 15 2011
OFFICE OF PETITIONS

Applicant: Hegmann, et al.
Appl. No.: 12/597,235
International Filing Date: May 2, 2008
Title: PLANAR NEMATIC LIQUID CRYSTAL CELLS DOPED WITH NANOPARTICLES AND METHODS OF INDUCING A FREEDERICKSZ TRANSISTION
Attorney Docket No.: 352.00020101
Pub. No.: US 2010/0195008 A1
Pub. Date: August 5, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on August 20, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment to the claims was not published.

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

The error noted by requestor with respect to the preliminary amendment is <u>not</u> an Office error. The patent application publication was printed as filed. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the claims because patent application publications are not required to include preliminary amendments. While the pre-grant publication may include the amendment, it is not required. 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 and claims as filed.

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

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

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LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON NJ 08053

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DECISION ON APR 08 2011

PCT LEGAL ADMINISTRATION

PETITION UNDER

37 CFR 1.182

In re Application of
TSUJIMOTO et al
Application No.: 12/597,281
PCT No.: PCT/JP08/058457
Int. Filing Date: 25 April 2008
Priority Date: 26 April 2007
Attorney Docket No.: KUZ004BUS.NP
For: G-Protein-Conjugated Receptor Agonist

This is in response to applicants' submission "Reconsideration of Petition under 37 CFR 1.182" filed on 21 July 2010. This submission states that the correct name of the seventh name co-inventor is Mie Hata. The petition fee of $400.00 has been paid by check.

BACKGROUND

In a decision from this Office on 10 June 2010, the decision indicated that the application could not enter into national stage at that time because petitioner had corrected the seventh named co-inventor Mie Hata but the petition fee had not been paid.

On 21 July 2010, this renewed petition was filed and states that the correct name of the seventh co-inventor is Mie Hata and the petition fee has been paid.

DISCUSSION

The correct name of the seventh co-inventor is"**Mie** Hata" as explained in the petition and this name will be reflected in the US national stage processing. This is the name that has been used in the executed Declaration signed by Mie.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 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) 272-6376
Facsimile: (571) 273-0459

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CHICAGO IL 60601-6731

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AUG 03 2010

OFFICE OF PETITIONS

In re Application of	:	
VISSER, Hendrik D. et al.	:	
Application No. 12/597,301	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: May 19, 2010	:	
Attorney Docket No. **268158**	:	

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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OBLON, SPIVAK, MACCLELLAND MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of
POGNANT-GROS *et al*
U.S. Application No.: 12/597,345
PCT No.: PCT/FR2008/050585
Int. Filing Date: 03 April 2008
Priority Date: 23 April 2007
Docket No.: 349928US41XPCT
For: CONTROL SYSTEM FOR A HYBRID PROPULSION UNIT FOR RECHARGING A BATTERY

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 17 September 2010.

BACKGROUND

On 17 February 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 17 September 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by two of the three named inventors on behalf of the nonsigning inventors; a five-month extension and $2,350.00 extension fee; a statement of facts by Stephanie Thirard; exhibits A - C; and authorization to charge any required fee to Deposit Account No. 15-0300.

DISCUSSION

Applicants claim that co-inventor, Philippe POGNANT-GROS, could not be reached after diligent effort.

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

Items (1), (3) and (4) of 37 CFR 1.47(a)[1] are satisfied in the subject petition.

Concerning item (2) of 37 CFR 1.47(a), applicants claim that Philippe POGNANT-GROS could not be reached. A statement of facts by Stephanie Thirard listing the steps taken to contact the nonsigning was provided. Applicants also provided documentary evidence labeled as exhibits A - C in support of the statement of facts.

The statement by Ms. Thirard indicates that a declaration and assignment were sent to the last known address of the nonsigning inventor on 13 September 2010 by registered mail. This letter was apparently returned without being delivered. Ms. Thirard then performed an internet search for the telephone number for Mr. POGNANT-GROS on 16 September 2010. This search did not return a telephone number. No other attempts to locate the nonsigning inventor were listed in the petition.

MPEP § 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and 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.

It is first noted that the Office will <u>not</u> consider documents in a foreign language as evidence without an accompanying English translation. Therefore, exhibits A - C are <u>not</u> accepted since they are in French. Applicants must provide an English language translation of the cover letter, postal receipt and internet search for the telephone number of the nonsigning inventor in any renewed petition.

Applicants also have not explained why Ms. Thirard searched only for a telephone number for Mr. POGNANT-GROS and not an address. Further, applicants did not mention whether they contacted the Human Resources Department of the

---

[1] The $200.00 petition fee was charged to Deposit Account No. 15-0300 as authorized. The last known address of each nonsigning inventor was provided in the petition. The declaration submitted by the two inventors on behalf of the nonsigning inventor complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

nonsigning inventor's former employer, or former co-workers to locate a good address for Mr. POGNANT-GROS. These actions are not extraordinary and are required **to show that a diligent effort was made** to locate the nonsigning inventor.

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

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. 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
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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OLIFF & BERRIDGE, PLC
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ALEXANDRIA VA 22320-4850

MAILED
MAR 21 2012
OFFICE OF PETITIONS

In re Application of
Koji Suzuki
Application No.: 12/597,355
Filed: October 23, 2009
Attorney Docket No.: 143334
For: OBJECT DETECTING DEVICE, AND, OBJECT DETECTING METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 5, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the JPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the JPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim;
2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JP application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JP application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the JP application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the JPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   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);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1-2) and (4-6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirement (3).

Regarding requirement (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JP application. Specifically, cannot add claims of different statutory class. Claims 5 and 6 are not proper.

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 Terri Johnson at (571) 272-2991.

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

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180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED
AUG 17 2010
OFFICE OF PETITIONS

In re Application of :
Hendrik Dirk VISSER, et al :
Application No. 12/597,358 : NOTICE
Filed: May 19, 2010 :
Attorney Docket No. 268160 :

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

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 21514/li	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/AT2008/000123	International filing date *(day/month/year)* 04 April 2008 (04.04.2008)	Priority date *(day/month/year)* 23 April 2007 (23.04.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant A.M.I. AGENCY FOR MEDICAL INNOVATIONS GMBH		

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

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

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

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

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

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

	Date of issuance of this report 10 November 2009 (10.11.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yolaine Cussac e-mail: pt05.pct@wipo.int

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)*	See form PCT/ISA/210
Applicant's or agent's file reference 21514/li	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/AT2008/000123	04.04.2008	23.04.2007

International Patent Classification (IPC) or both national classification and IPC
A61B17/02 A61B1/31 A61M29/00 A61B17/12

Applicant
AMI AGENCY FOR MEDICAL INNOVATIONS GMBH

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/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/AT2008/000123

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/AT2008/000123

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	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	1-19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations:

1. Reference is made to the following documents:
   D1: EP 1 683 473 A (AMI GMBH [AT]) 26 July 2006 (2006-07-26) cited in the application
   D2: WO 2007/016946 A (ETHICON ENDO SURGERY INC [US]; LONGO ANTONIO [IT]; KUHNS JESSE JAMES) 15 February 2007 (2007-02-15)

2. Document D1 is considered to be the closest prior art and discloses (the references between parentheses relate to said document):

   a device for use in the treatment of a haemorrhoid prolapse, particularly by HAL surgery and/or attachment of a tightening suture and/or a rubber band ligature, having a tube with a tube shell wall and a closing device with a closure shell wall enclosing a hollow space, wherein the tube shell wall can be mounted displaceably and/or rotatably in the hollow space of the closure shell wall, and the tube shell wall and the closure shell wall can be inserted, individually or jointly, into a rectum of a patient, wherein the tube shell wall has at least

one tube shell opening, and the closure shell wall has at least one closure shell opening, and the tube shell opening and the closure shell opening can be made to lie at least partially congruent with each other in at least one open position, from which the subject matter of independent claim 1 differs in that at least one web (23) is provided which is arranged on the tube shell wall (2) and/or on the closure shell wall (21) and protrudes at least partially into the tube shell opening (9) and/or into the closure shell opening (22).

2.1 In the device proposed there, an operation gap, through which the mucosa can be reached, can be successively enlarged by successively rotating the closure device relative to the tube, starting from the distal end of the device. The operation gap is obtained by means of the tube shell opening being brought into a position at least partially congruent with the closure shell opening. However, it has been found in practice that the effective opening of the operation gap, increasing in size between tube shell opening and closure shell opening, becomes too large, with the result that the mucosa penetrates too far into the interior of the tube. The problem addressed by the invention is to improve a device of the type in question in such a way that the mucosa is prevented from penetrating too far into the interior of the tube.

The web or webs still ensure, on the one hand, the possibility of reaching, with corresponding surgical

instruments known per se, from the interior of the tube through the tube shell opening and the closure shell opening to the mucosa that is to be operated on. However, on the other hand, the web or webs also support the mucosa in such a way that the mucosa is prevented from penetrating too deeply into the interior of the tube. The web or webs thus divide the operation opening or operation window into individual openings which are preferably arranged one behind the other in the longitudinal direction of the tube and through which surgery can be performed.

2.2 Claims 2-19 are dependent on claim 1 and therefore likewise meet the requirements of the PCT in respect of novelty and inventive step.

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:	12/597,400	Filing date:	October 23, 2009
First Named Inventor:	Gerhard Szinicz		
Title of the Invention:	DEVICE FOR USE FOR THE TREATMENT OF HEMORRHOID PROLAPSE		

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/AT2008/000123

The international filing date of the corresponding PCT application(s) is/are: April 4, 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.

PTO/SB/20PCT-EP (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/597,400
First Named Inventor:	DEVICE FOR USE FOR THE TREATMENT OF HEMORRHOID PROLAPSE

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on December 23, 2009

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on December 23, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	1	amended to more clearly define the invention Similar scope as claim
21	2	amended to more clearly define the invention
22	3	amended to remove multiple dependencies and more clearly define the invention
23	4	amended to remove multiple dependencies and more clearly define the invention
24		new claim added to more clearly define the invention dependant on claim 20
25	5	amended to remove multiple dependencies and more clearly define the invention
26	6	amended to remove multiple dependencies and more clearly define the invention
27	7	amended to remove multiple dependencies and more clearly define the invention
28		new claim added to more clearly define the invention dependant on claim 27
29	8	amended to remove multiple dependencies and more clearly define the invention
30	9	amended to remove multiple dependencies and more clearly define the invention
31	10	amended to remove multiple dependencies and more clearly define the invention
32	11	amended to remove multiple dependencies and more clearly define the invention
33		new claim added to more clearly define the invention dependant on claim 32
34	12	amended to remove multiple dependencies and more clearly define the invention
35	13	amended to remove multiple dependencies and more clearly define the invention
36	14	amended to remove multiple dependencies
37	15	amended to remove multiple dependencies and more clearly define the invention
38		new claim added to more clearly define the invention dependant on claim 37

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

Claim Correspondence Table continued on page 3.

Signature /John E. Nemazi/	Date February 16, 2011
Name (Print/Typed) John E. Nemazi	Registration Number 30876

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/597,400
First Named Inventor:	Gerhard Szinicz

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on December 23, 2009

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on December 23, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
39	16	amended to remove multiple dependencies
40	17	amended to remove multiple dependencies
41	18	amended to remove multiple dependencies
42	19	amended to remove multiple dependencies

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

Signature /John E. Nemazi/	Date February 16, 2011
Name (Print/Typed) John E. Nemazi	Registration Number 30876

Privacy Act Statement

Atty. Docket No.: HEHO0101PUSA

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.
12/597,400	10/23/2009	Gerhard Szinicz	HEHO0101PUSA	9796

22045 7590 02/17/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER	
ART UNIT	PAPER NUMBER
3737	

MAIL DATE	DELIVERY MODE
02/17/2011	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
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:
SZINICZ, GERHARD	: DECISION ON REQUEST TO
Application No. 12/597,400	: PARTICIPATE IN PATENT
Filed: Oct. 23, 2009	: PROSECUTION HIGHWAY
Attorney Docket No HEHO0101PUSA	: PILOT PROGRAM AND PETITION
For: DEVICE FOR USE FOR THE	: TO MAKE SPECIAL UNDER
TREATMENT OF HEMORRHOID	: 37 CFR 1.102(a)
PROLAPSE	

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

The request and petition are 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 Brian Casler, the SPE of Art Unit 3737 and (571)272-4956 for Class 600/439 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston, MA 02111

MAILED
NOV 30 2010
PCT LEGAL ADMINISTRATION

In re Application of:
OSTERGAARD et al.
Application No.: 12/597,482
PCT No.: PCT/US2008/005316
Int. Filing Date: 23 April 2008
Priority Date: 24 April 2007
Attorney Docket No.: 22827-501N01US
For: IGF-1R BINDING PROTEINS AND ANTAGONISTS

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 15 September 2010 to accept the application without the signature of joint-inventor, Paul W. Fletcher.

BACKGROUND

On 23 April 2008, applicants filed international application PCT/US2008/005316 which claimed a priority date of 24 April 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 24 October 2009.

On 23 October 2009, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and an application data sheet.

On 16 February 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 15 September 2010, applicants filed a petition under 37 CFR 1.47(a) and five-month extension of time.

On 09 November 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 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 15 September 2010.

DISCUSSION

Applicants claim that co-inventor Paul W. Fletcher cannot be reached or located after diligent effort.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor cannot be reached or located after diligent effort. In support of this assertion, applicants have submitted statements from Muriel Liberto and Jonathan Passner, with supporting documents, describing efforts made to locate the nonsigning inventor, including numerous online searches. Further, petitioner has provided evidence that the mailing of the application was attempted but was returned to sender. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by six of the seven inventors and including an unsigned signature box identifying the nonsigning inventor (Paul W. Fletcher). However, the declarations submitted are not in compliance with 37 CFR 1.497(a)(3) which requires that the oath or declaration identify the inventor and country of citizenship of the inventors. In this case, the declaration does not properly identify the name of the third inventor (Ida Heise Stenfeldt Mathiasen). The declarations identify the name of the third inventor as both Stenfeldt Mathiasen and Ida Stenfeldt Mathiasen. Since the declaration(s) does not clearly identify the name of the inventor, it is considered defective under 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). **Therefore, item (4) has not been satisfied.**

For the reasons stated above, it is not appropriate to accept the application without the signature of Paul W. Fletcher under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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 09 November 2010 are hereby **VACATED**.

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
Telephone: (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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MAR 15 2011

PCT LEGAL ADMINISTRATION

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston, MA 02111

In re Application of:
OSTERGAARD et al.
Application No.: 12/597,482
PCT No.: PCT/US2008/005316
Int. Filing Date: 23 April 2008
Priority Date: 24 April 2007
Attorney Docket No.: 22827-501N01US
For: IGF-1R BINDING PROTEINS AND ANTAGONISTS

DECISION ON PETITION

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 05 January 2011. In a decision dated 30 November 2010, the "Petition under 37 CFR 1.47(a)" filed 12 June 2009 was dismissed because applicant had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the nonsigning inventor (the declaration submitted appeared to be a compilation of multiple declaration documents).

The procedural background for this application was set forth in detail in the decision mailed by this Office on 30 November 2010.

DISCUSSION

Applicants claim that co-inventor Paul W. Fletcher cannot be reached or located after diligent effort.

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), (2) and (3) have been previously satisfied.

Regarding item (4) above, section 409.03(a) of the Manual of Patent Examining Practrice (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 four inventors and including two unsigned signature box identifying the nonsigning inventor (Paul W. Fletcher). This declaration is treated as having been executed by the available inventors on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

CONCLUSION

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

The application will be given an international filing date of 23 April 2008 under 35 U.S.C. 363, and a date of 05 January 2011 under 35 U.S.C. 371(c).

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 09 November 2010, are hereby **VACATED**.

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 of PCT Legal Administration
Telephone: (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

MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

Paul W. Fletcher
424 Rivercrest Drive
Piscataway, NJ 08854

In re Application of:
OSTERGAARD et al.
Application No.: 12/597,482
PCT No.: PCT/US2008/005316
Int. Filing Date: 23 April 2008
Priority Date: 24 April 2007
Attorney Docket No.: 22827-501N01US
For: IGF-1R BINDING PROTEINS AND ANTAGONISTS

Dear Paul W. Fletcher:

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
Facsimile: (571) 273-0459

Counsel of Record:
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston, MA 02111

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EXXONMOBIL CHEMICAL COMPANY
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

MAILED

NOV 01 2010

PCT LEGAL ADMINISTRATION

In re Application of
ELLUL *et al*
Application No.: 12/597,515
Filing Date: October 26, 2009
Attorney Docket No.: 2007EM118/2
For: METHOD FOR PREPARING THERMOPLASTIC VULCANIZATES

DECISION

This is a decision on the renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) filed August 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of prior-filed applications.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application designating the United States of America was submitted in an amendment filed August 20, 2010 in

accordance with 37 CFR 1.76 to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) was previously submitted; and (3) the statement of unintentional delay was also previously submitted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should <u>not</u> be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should <u>not</u> be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

This matter is being referred to Technology Center Art Unit 1764 for appropriate action on the amendment filed August 20, 2010, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 and § 119(e) to the prior-filed international and provisional application.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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NOTARO, MICHALOS & ZACCARIA P.C.
100 DUTCH HILL ROAD
ORANGEBURG NY 10962

MAILED
JAN 10 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SCHUMACHER, et al. :
Application No.: 12/597,537 :
PCT No.: PCT/RU2008/000264 :
Int. Filing Date: 24 April 2008 :
Priority Date: 26 April 2007 : DECISION
Attorney Docket No.: J662-060 US :
For: TUYER DEVICE FOR INTRODUCING :
GAS MEDIA UNDER A LIQUID METAL :
LEVEL :

This decision is in response to applicant's renewed request for status under 37 CFR 1.42 filed 23 March 2010 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 08 March 2010, applicant was mailed a decision dismissing applicant's request for status under 37 CFR1.42. Applicant was afforded two months to file any request for reconsideration.

On 23 March 2010, applicant filed the response discussed herein.

DISCUSSION

As detailed in the previous decision, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The decision mailed 08 March 2010 informed applicant that the filed declaration was not in compliance with 37 CFR 1.497(a)-(b) as it did not contain the citizenship, residence and mailing address of the legal representative to the estate of deceased inventor Ewald Schumacher. Applicant presently has provided a declaration signed by Sagadat Schumacher as legal representative and sole heir which provides the citizenship, residence and mailing address for both the deceased inventor and legal representative. However, this supplemental declaration is not in compliance with 37 CFR 1.497(a)-(b) as it does not list the additional inventors on the

application. While the supplemental declaration need only be executed by the legal representative, all of the other inventors and their relevant information must still be listed on the supplemental declaration.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." 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.

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

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P.O. Box 1450
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NOTARO, MICHALOS & ZACCARIA P.C.
100 DUTCH HILL ROAD
ORANGEBURG NY 10962

MAILED

FEB 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SCHUMACHER, et al. :
Application No.: 12/597,537 :
PCT No.: PCT/RU2008/000264 :
Int. Filing Date: 24 April 2008 :
Priority Date: 26 April 2007 : DECISION
Attorney Docket No.: J662-060 US :
For: TUYER DEVICE FOR INTRODUCING GAS MEDIA UNDER A LIQUID METAL LEVEL :

In a decision mailed by this Office on 10 January 2011, the declaration filed by applicant on behalf of deceased inventor Ewald Schumacher was dismissed for failure to provide a compliant oath or declaration under 37 CFR 1.497.

On 08 February 2011, applicant filed a response, including supplemental declaration, to the previous decision. The declaration submitted on 08 February 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Sagadat Schumacher as the legal representative, states her relationship to the deceased (i.e., legal representative), provides her country of citizenship and residency and lists the other inventors on the application. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 24 April 2008 under 35 U.S.C. 363 and will be given a date of **08 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,573	10/26/2009	Han Sang Lee	P/2803-79	1104

7590 06/21/2011
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/21/2011	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)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,595	10/26/2009	Han Sang Lee	P/2803-80	1201

7590 06/21/2011
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER
DESAI, NIDHI

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
06/21/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Tomi Garner

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

4 AUG 2010

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:	
STARMANS, Maud H.W., et al.	:	
Application No.: 12/597,610	:	DECISION
PCT No.: PCT/US2008/005705	:	
Int. Filing Date: 02 May 2008	:	ON PETITION UNDER
Priority Date: 02 May 2007	:	
Docket No.: 2007P09224WOUS	:	37 CFR 1.47(a)
For: KNOWLEDGE-BASED	:	
PROLIFERATION SIGNATURES AND	:	
METHODS OF USE	:	

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 01 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 03 June 2010, applicants filed a petition under 37 CFR 1.47(a), accompanied by 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), (3) and (4) have been met. The $200 petition fee has been paid. Applicant states the last known address of Mr. Harald Steck as Westerstettenstr. 14, Syrgenstein 89428, Germany. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (2) has not been satisfied. Applicants are alleging that inventor Steck has refused to join the application. As set forth in MPEP 409.03(d), where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and

of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. The petition states only that 19 April 2010 letter included a declaration. Refusal to sign a declaration, absent presentation with a complete copy of the application papers is not ordinarily sufficient. See Id. Further, non-translated, non-English language documents will not be considered.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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NOV 16 2010

PCT LEGAL ADMINISTRATION

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of :
STARMANS, Maud H.W., et al. :
Application No.: 12/597,610 :
PCT No.: PCT/US2008/005705 :
Int. Filing Date: 02 May 2008 :
Priority Date: 02 May 2007 :
Docket No.: 2007P09224WOUS :
For: KNOWLEDGE-BASED :
PROLIFERATION SIGNATURES AND :
METHODS OF USE :

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 16 September 2010.

BACKGROUND

On 04 August 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice and setting a two month period for response.

On 16 September 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 $200 petition fee has been paid. Applicant states the last known address of Mr. Harald Steck as Westerstettenstr. 14, Syrgenstein 89428, Germany. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (2) has now been satisfied. Applicants sent a complete copy of the application papers to the inventor and allowed for a reasonable period for the return of an executed declaration, but one was not 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 accordation 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Harald Steck
Westerstettenstr. 14
Syrgenstein 89428
Germany

MAILED

NOV 16 2010

PCT LEGAL ADMINISTRATION

In re Application of
STARMANS, Maud H.W., et al.
Application No.: 12/597,610
PCT No.: PCT/US2008/005705
Int. Filing Date: 02 May 2008
Priority Date: 02 May 2007
Docket No.: 2007P09224WOUS
For: KNOWLEDGE-BASED PROLIFERATION SIGNATURES AND METHODS OF USE

Dear Mr. Steck:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

SIEMENS CORPORATION
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170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,648	04/12/2010	John Paul Morgan	1119989	1439

92086 7590 08/11/2010
Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal, QC H3B4W5
CANADA

EXAMINER

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
08/11/2010	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):

ipmtl@osler.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal QC H3B4W-5 CA CANADA

In re Application of	:	
John Paul MORGAN	:	DECISION ON PETITION
Application No. 12/597,648	:	TO MAKE SPECIAL UNDER
Filed: 26 October 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1119989	:	PILOT PROGRAM

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

The petition is **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

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

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

The petition lacks items 3 and 4.

Applicant has failed to 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. Additionally, 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.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	**12/597,648**
Inventor	:	**MORGAN, John Paul**
Title	:	**"Illumination Device"**
371(c) Date	:	**April 12, 2010**
Art Unit	:	**2875**
Examiner	:	**Not Yet Assigned**
Confirmation No.	:	**1439**
Our File No.	:	**1119989**

September 13, 2010

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

REQUEST FOR RECONSIDERATION OF DISMISSAL OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

On July 21, 2010 Applicant filed a petition to make special under the Green Technology Program in respect of the above-noted application. The petition was dismissed on August 11, 2010. Applicant was given a non-extendible one-month period of time, *i.e.* until September 13, 2010 (September 11, 2010 being a Saturday), within which to request reconsideration of the dismissal of Applicant's petition.

Applicant hereby timely requests reconsideration of the dismissal of Applicant's petition.

Applicant has amended the claims in a "Second Preliminary Amendment" filed concurrently herewith.

As per the decision, "In order to qualify for special status, the following requirements must be met… 3) The petition must state the basis for seeking special status, i.e., the claimed invention either A) material 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 or 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…"

Examiner stated that the petition as filed lacked items 3 and 4 above and dismissed the petition solely for that reason. Applicant presumes that the Examiner considers that the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B).

Applicant thus hereinbelow provides a statement explaining how the materiality standard is met. Applicant submits that this statement itself meets the requirements of condition (4) for a petition to be granted. Applicant also submits that the statement explains how the claimed invention meets the required materiality standard, and thus the requirements of condition (3) for a petition to be granted are met. Conditions (3) and (4) being the only two conditions outstanding for a grantable petition, Applicant submits that the petition (on reconsideration is now grantable.

MATERIALITY STATEMENT OF APPLICANT

Referring to claim 1 of the application as amended, and to paragraphs 0060 and 0061 of the application:

"[0060] Generally, the present invention is a luminaire [i.e. a lighting unit] that uses a light-guide collimating optic (LGCO), which can also be referred to as an illumination device. [*See preamble – claim 1.*] The LGCO accepts light from a small isotropic light source such as a light emitting diode (LED) or a bulb and spreads the light over a wide area while also collimating it to form a beam wherein all the rays are substantially parallel. The LGCO includes of a thin slab of optically transmissive material with an emitter face, out of which light emerges collimated, and a smaller input face, located on the edge of the LGCO. There can be more than one input face on an LGCO.

[0061 The LGCO has two stages, a waveguide stage (also referred to as an optical waveguide stage and which includes a waveguide section) [*see body claim 1*] and a collimating stage (also referred to as a light-projecting stage) [*see body claim 1*]. Light inserted into the LGCO at an input face is guided internally by total internal reflection in the waveguide stage and spreads substantially evenly over the LGCO. Light then couples into the collimating stage via a multiplicity of apertures (also referred to as optical input apertures) that allow light to escape the waveguide stage. The LGCO can be cut circularly, squarely, or in any other shape. The light beam emerges substantially collimated. Alternatively, the light beam can also be shaped in a variety of ways, and made to diverge to any desired degree in one plane or in two planes."

Claim 1 of the application has also being amended to specify that the light source is a light emitting diode.

Applicant believes that the present invention qualifies a "green technology" in that applicant believes that it "3)… B) materially contributes to:… ii) the more efficient utilization and conservation of energy resources".

Applicant submits that this is the case for many reasons, including the following:

1) Light emitting diodes are well known in the art to present many advantages over incandescent light sources including lower energy consumption, longer lifetime, greater durability and reliability.

2) The present invention uses compact slabs of material (meaning that embodiments thereof consume less materials to produce over the prior art – conserving energy and other resources), that can be a recyclable plastic (see claim 22).

3) The present invention operates in the principle of total internal reflection and therefore does not require reflective coatings (as in the prior art), thus meaning less resources (both energy and otherwise) are used in the production thereof.

For these reasons, reconsideration and allowance of the petition is respectfully requested.

At the time of filing of the present paper, any fee believed to be necessary was authorized to be charged to a credit card. In case any additional fee should be necessary, the Office is hereby authorized to debit Deposit Account number 502977.

Respectfully submitted,

/Jonathan D. Cutler/

Jonathan D. Cutler, Reg. No. 40,576
OSLER, HOSKIN & HARCOURT LLP
Attorneys for the Applicants

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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.
12/597,648	04/12/2010	John Paul Morgan	1119989	1439

92086 7590 10/15/2010
Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal, QC H3B4W5
CANADA

EXAMINER
MAKIYA, DAVID J

ART UNIT	PAPER NUMBER
2885	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	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):

ipmtl@osler.com

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Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal QC H3B4W-5 CA CANADA

In re Application of	:	
John Paul MORGAN	:	DECISION ON PETITION
Application No. 12/597,648	:	TO MAKE SPECIAL UNDER
Filed: 12 April 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1119989	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 21 July 2010 and renewed on 13 September 2010 and supplemented on 30 September 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

06 AUG 2010

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00490
VIDAS, ARRETT & STEINKRAUS, P.A.
6640 Shady Oak Road,
Suite 400
Eden Prairie, MN 55344

In re Application of
ITZEK *et al*
U.S. Application No.: 12/597,675
PCT No.: PCT/EP2008/003231
Int. Filing Date: 22 April 2008
Priority Date: 27 April 2007
Attorney Docket No.: H01.2-14725-US01
For: CLOSURE SYSTEM FOR A CHILDREN'S DRINKING BOTTLE OR A CHILDREN'S DRINKING CUP

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 01 March 2010.

BACKGROUND

On 17 February 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 01 March 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 surcharge fee; a declaration signed by four inventors; a $200.00 petition fee; a power of attorney; and a copy of an email dated 19 November 2009.

DISCUSSION

Applicants claim that co-inventor, Céline MIALET, "has either refused to sign the forms or cannot be reached after diligent effort" 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(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s).

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants claim that Ms. MIALET, "has either refused to sign the forms or cannot be reached after diligent effort." The only evidence submitted was a copy of an email received 19 November 2009 from a German associate stating that Ms. MIALET has not returned the signed forms. A statement of facts was not provided.

This evidence is insufficient to satisfy item (2) of 37 CFR 1.47(a).

Applicants' burden in showing that an inventor cannot be reached is explained in MPEP § 409.03(d)(I) of the MPEP. In this case, applicants have not provided <u>any</u> evidence showing that Ms. MIALET could not be located.

Applicants' burden in showing that an inventor refuses to join is explained in MPEP § 409.03(d)(II) which requires that a complete copy of the application be presented to the nonsigning inventor.

Here, the 37 CFR 1.47(a) applicants have <u>not</u> provided any evidence showing that a complete copy of the application was presented to the nonsigning inventor. The email dated 19 November 2009 does not mention whether a copy of the application was presented to Ms. MIALET. As such, a refusal to join cannot be shown.

All the requirements of 37 CFR 1.47(a) are not satisfied.

<u>CONCLUSION</u>

Applicants' petition under 37 CFR 1.47(a) is **<u>DISMISSED</u>** 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

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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. A declaration signed by four of the five named inventors 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.

Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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6640 Shady Oak Road,
Suite 400
Eden Prairie, MN 55344

MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

In re Application of
ITZEK *et al*
U.S. Application No.: 12/597,675
PCT No.: PCT/EP2008/003231
Int. Filing Date: 22 April 2008
Priority Date: 27 April 2007
Attorney Docket No.: H01.2-14725-US01
For: CLOSURE SYSTEM FOR A CHILDREN'S DRINKING BOTTLE OR A CHILDREN'S DRINKING CUP

DECISION

This is a decision on the renewed petition under 37 CFR 1.47(a) filed on 07 October 2010.

BACKGROUND

On 06 August 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 07 October 2010, applicants filed the subject response which was accompanied by, *inter alia*, a one-month extension and $130.00 extension fee, and a declaration executed by the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Céline MIALET.

A review of the declaration shows that the citizenship of inventors, Céline MIALET and Bertrand COUTELLIER[1] contains **noninitialed** changes in ink.

Any changes made in ink should be initialed and dated by the applicants prior to

[1] It is noted that the undersigned failed to discover this same defect in the citizenship of Mr. COUTELLIER in the declaration filed 01 March 2010. The undersigned apologizes for this oversight.

execution of the declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated. *See* MPEP § 605.04(a).

A new declaration for Céline MIALET and Bertrand COUTELLIER is required.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extension of time under 37 CFR 1.136(a) is 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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VIDAS, ARRETT & STEINKRAUS, P.A.
6640 Shady Oak Road,
Suite 400
Eden Prairie, MN 55344

MAILED
MAY 03 2011
PCT LEGAL ADMINISTRATION

In re Application of
ITZEK *et al*
U.S. Application No.: 12/597,675
PCT No.: PCT/EP2008/003231
Int. Filing Date: 22 April 2008
Priority Date: 27 April 2007
Attorney Docket No.: H01.2-14725-US01
For: CLOSURE SYSTEM FOR A CHILDREN'S DRINKING BOTTLE OR A CHILDREN'S DRINKING CUP

DECISION

This is a decision on the renewed petition under 37 CFR 1.47(a) filed on 04 March 2011.

BACKGROUND

On 06 December 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 04 March 2011, applicants filed the subject response which was accompanied by, *inter alia*, a declaration executed by all listed inventors and authorization to charge any required fee to Deposit Account No. 22-0350.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by all inventors, including the nonsigning inventor, Céline MIALET. The one-month extension fee has been charged to Deposit Account No. 22-0350 as authorized. 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 22 April 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 04 March 2011.

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

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 011612.99968	Application Number (if known): 12/597,707	Filing date: 2009-10-26

First Named Inventor: Paul ANDERSON

Title: TRANSITION METAL/ZEOLITE SCR CATALYSTS

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 filed August 20, 2010

Signature /Stephen J. Driscoll/	Date 2010-08-20
Name (Print/Typed) Stephen J. Driscoll	Registration Number 37564

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.

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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,707	05/07/2010	Paul Joseph Andersen	011612.99968-US	1854

74222 7590 10/21/2010
Saul Ewing LLP (Harrisburg)
Attn: Patent Docket Clerk
Penn National Insurance Plaza
2 North Second Street, 7th Floor
Harrisburg, PA 17101

EXAMINER

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
10/21/2010	PAPER

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

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

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OCT 21 2010

Saul Ewing LLP (Harrisburg)
Attn: Patent Docket Clerk
Penn National Insurance Plaza
2 North Second Street, 7th Floor
Harrisburg PA 17101

In re Application of	:	
Andersen et al.	:	DECISION ON PETITION
Application No. 12/597,707	:	TO MAKE SPECIAL UNDER
Filed: 5/7/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **011612.99968-US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 8/20/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

As set forth at numeral 8 above, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the $300 early publication fee in accordance with this notice.

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

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

The application is being forwarded to the Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

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

Application No.:	12/597,820-Conf. #2988	Filing Date:	October 27, 2009
First Named Inventor:	Lennart Wihlsson		
Attorney Docket No.:	43315-281634		
Title of the Invention:	PREPARING COMPOSITION FOR COMPOSITE LAMINATES		

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 PATENT 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/EP2008/055079

The international date of the corresponding PCT application(s) is/are: APRIL 25, 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.

[x] 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. 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 October 27, 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 October 27, 2009

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

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

Application No.:	12/597,820-Conf. #2988
First Named Inventor:	Lennart Wihlsson

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same except for formal language changes
2	2	Same except for removal of reference characters and formal language changes
3	3	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
4	4	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
5	5	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
6	6	Same except for removal of reference characters, formal language changes, and removal of multiple dependency
7	7	Same except for removal of reference characters, formal language changes, removal of multiple dependency, and rewriting in independent form
8	8	Same except for formal language changes
9	9	Same except for formal language changes and removal of multiple dependency
10	10	Same except for formal language changes and removal of multiple dependency
11	11	Same except for formal language changes

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

Signature	/Eric J. Franklin/	Date	December 3, 2010
Name (Print/Typed)	Eric J. Franklin	Registration Number	37,134

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.
12/597,820	10/27/2009	Lennart Wihlsson	43315-281634	2988

26694 7590 02/18/2011
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
PEPITONE, MICHAEL F

ART UNIT	PAPER NUMBER
1767	

MAIL DATE	DELIVERY MODE
02/18/2011	PAPER

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

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

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FEB 18 2011

CT

In re application of Lennart Wihlsson Serial No. 12/597,820 Filed: October 27, 2009 For: PREPARING COMPOSITION FOR COMPOSITE LAMINATES	: : : : : : :	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 December 3, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT and TRADEMARK OFFICE

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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
LINDEN et al	:	
Application No.: 12/597,831	:	
PCT No.: PCT/EP2008/054780	:	PETITION UNDER
Int. Filing Date: 21 April 2008	:	
Priority Date: 27 April 2007	:	
Attorney Docket No.: LUTZ201082	:	37 CFR 1.181
For: METHOD FOR COUNTING ...	:	
ACCESS NETWORK		

This decision is in response to applicants' "PETITION FOR REVIEW AND PROCESSING BY THE PCT LEGAL OFFICE," which is being treated as a petition under 37 CFR 1.181 to accept the filed this set of the declaration.

BACKGROUND

In a Notification mailed from this office on 21 October 2010, it stated that Notification of Acceptance (PCT/DO/EO/903) mailed on 21 September 2010 was vacated as applicants submitted an improper composite declaration. Joint inventor Linden's citizenship was not indicated on declaration.

On 18 November 2010, applicant filed on the current petition accompanied with a second sett of the declaration, which has joint inventor LINDEN's citizenship.

DISCUSSION

A review of the petition shows that applicants have filed a correct second set of the executed declaration as this set contains the citizenship of joint inventor Linden, which is France.

Thus, the date of receipt of 35 USC 371(c)(1), (c)(2), and (c)(4) requirements and the date that all of the requirements under 35 U.S.C. 371 have been satisfied is **18 November 2010**.

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 and for issuing a new PCT/EO/DO/ form 903. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **18 November 2010**.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,860	10/27/2009	Yoshiyuki Noda	04632.0138	3324

22852 7590 11/23/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
KASTLER, SCOTT R

ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

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

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

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CST

November 23, 2010

In re application of Yoshiyuki Noda et al Serial No. 12/597,860 Filed: October 27, 2009 For: TILTING-TYPE AUTOMATIC POURING METHOD AND STORAGE MEDIUM	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed September 17, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/597,876	10/27/2009	Yoshiyuki Noda	04632.0139	3445

22852 7590 11/23/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
KASTLER, SCOTT R

ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

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

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

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

November 23, 2010 CST

In re application of Yoshiyuki Noda et al Serial No. 12/597,876 Filed: October 27, 2009 For: TILTING-TYPE AUTOMATIC POURING METHOD AND A MEDIUM THAT STORES PROGRAMS TO CONTROL THE TILTING OF A LADLE	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed September 17, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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NOV 22 2010

PCT LEGAL ADMINISTRATION

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of	:	
HOLLEVILLE et al.	:	
Application No.: 12/597,889	:	
PCT No.: PCT/EP2008/055033	:	
Int. Filing Date: 28 April 2008	:	DECISION
Priority Date: 27 April 2007	:	
Attorney Docket No.: 20826/0213083US0	:	
For: COMPACT LASER SOURCE WITH	:	
REDUCED SPECTRAL WIDTH	:	

This decision is in response to applicants' petition under 37 CFR 1.497(d) filed 01 October 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 April 2008, applicants filed international application PCT/EP2008/055033 which designated the U.S. and claimed a priority date of 27 April 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 13 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 October 2009.

On 27 October 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 01 March 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 01 October 2010, applicants submitted the instant petition under 37 CFR 1.497(d).

On 09 November 2010, a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.497 (Form PCT/DO/EO903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 01 October 2010 were mailed.

DISCUSSION

Petition Under 37 CFR 1.497(d)

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.

Declaration of Inventors

The declaration of inventors filed 01 October 2010 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

NOTICE OF ACCEPTANCE

Because the declaration of inventors filed 01 October 2010 is not sufficient, the NOTICE OF ACCEPTANCE mailed 09 November 2010 is hereby VACATED.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

For the reasons set forth above, the NOTICE OF ACCEPTANCE mailed 09 November 2010 is VACATED.

Applicants are required to file either a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or the requisite statement under 37 CFR 1.69(b) that the translation is accurate 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
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

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED
APR 05 2011
OFFICE OF PETITIONS

Applicant: Gruner, et al.
Appl. No.: 12/597,983
International Filing Date: May 9, 2008
Title: ARRANGEMENT FOR FASTENING FUNCTIONAL UNITS IN A VEHICLE
Attorney Docket No.: 17275/007001
Pub. No.: US 2010/0133410 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 July 26, 2010, for the above-identified application.

The request is granted.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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23552
MERCHANT & GOULD PC
P.O. Box 2903
Minneapolis, MN 55402-0903

MAILED

FEB 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
LIU *et al*
U.S. Application No.: 12/597,995
PCT No.: PCT/IB2008/004003
Int. Filing Date: 28 April 2008
Priority Date: 28 April 2007
Docket No.: 02316.2794USWO
For: AN OPTICAL FIBRE SPLICING MODULE

DECISION

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

BACKGROUND

On 19 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 18 November 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by two inventors on behalf of the two nonsigning inventors; a five-month extension and $2,350.00.00 extension fee; a $200.00 petition fee; a $130.00 surcharge fee; a statement of facts by Ling Long, and documentary evidence in support of the petition (Exhibits A - B).

DISCUSSION

Applicants claim that co-inventors, Binqiang ZENG and Xiaozhou GUO cannot be found or reached after a diligent effort and filed the subject petition under 37 CFR 1.47(a).

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

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 provided a statement of facts by Ling Long describing the efforts to reach the nonsigning inventors. A review of the statement of facts and documentary evidence shows that a copy of the declaration was sent to each inventor at their former place of business by regular mail. These letters were returned unopened. A copy of the returned mailings were provided in Exhibit A. A review of Exhibit A shows that the copies are in a foreign language without an accompanying English translation. The Office will not accept documentary evidence in a foreign language without an English translation. Please provide an English translation of Exhibit A with any renewed petition, if applicable.

Mr. Long states that he then sent the declarations by email to each of the nonsigning inventors' last known email address. These emails were also returned. A copy of the returned emails were provided in Exhibit B. This exhibit is acceptable. Mr. Long states that he was informed that the two inventors were no longer employed by Century Man. Mr. Long claims that he "searched the internet for the inventors' current whereabouts by their names, but were unable to obtain any new information." Applicants provided no documentary evidence of this internet search.

Applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d)(I) of the MPEP which states, in part:

> Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

---

[1] The $200.00 petition fee was paid. The declaration signed by two of the four named inventors on behalf of the nonsigning inventors is in compliance with 37 CFR 1.497(a) and (b), and meets the requirements of section 409.03(a)(A) of the MPEP.

Applicants must provide more information on the search used to attempt to locate the nonsigning inventors. Such information should include the type of directory searched (email, telephone, home addresses), and what the search parameters were. Documentary evidence of this search must also be provided. In addition, there is no indication that former employers or co-workers were contacted to determine if they have any information on the whereabouts of Mr. ZENG and Mr. GUO. These types of efforts are not extraordinary and are required to show that a diligent effort was made.

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

With regards to item (3), the 37 CFR 1.47(a) applicants provided the address of the former employer as the last known address of the nonsigning inventors. Mr. Long claims that Century Man does not keep records of employees' home addresses and Century Man's company address is the only address of record for both inventors.

This is not acceptable. MPEP § 409.03(e) discusses the requirement to provide a statement of last known address in an application filed under 37 CFR 1.47 and states, in part:

> That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Moreover, MPEP § 605.03 states, in relevant part:

> In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary.

The last known home address of co-inventors, Binqiang ZENG and Xiaozhou GUO, must be provided in any renewed petition. Item (3) 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. No additional petition fee is required. Extensions of time under 37 CFR 1.136(a) are available.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MERCHANT & GOULD PC
P.O. Box 2903
Minneapolis, MN 55402-0903

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JUL 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
LIU *et al*
U.S. Application No.: 12/597,995
PCT No.: PCT/IB2008/004003
Int. Filing Date: 28 April 2008
Priority Date: 28 April 2007
Docket No.: 02316.2794USWO
For: AN OPTICAL FIBRE SPLICING MODULE

DECISION

This decision is in response to the papers filed on 03 May 2011 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 03 February 2011, 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 03 May 2011, applicants filed the subject response which was accompanied by a declaration executed by the two nonsigning inventors and a one-month extension fee of $130.00.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventors, Binqiang ZENG and Xiaozhou GUO. This declaration is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 April 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 03 May 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/598,012	04/05/2010	Malaz Abutarif	DS06650US01	5107

210 7590 10/31/2011
MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

EXAMINER
SPRINGER, STEPHANIE K

ART UNIT	PAPER NUMBER
1629	

MAIL DATE	DELIVERY MODE
10/31/2011	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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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

OCT 3 1 2011

In re Application of: :
Abutarif et al. :
Serial No.: 12/598,012 : PETITION DECISION
Filed: April 5, 2010 :
Attorney Docket No.: **DS06650US01**

This is in response to the petition under 37 CFR § 1.59(b), filed October 29, 2009, to expunge information from the above identified application. This application has not been allowed. The delay in responding to this petition is regretted.

Petitioner requests that the Office expunge form the record references AW and AX filed in the Information Disclosure Statement on October 28, 2009. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

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

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

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GENENGECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO, CA 94080

MAILED
MAR 23 2011
OFFICE OF PETITIONS

Applicant: Brunton, et al.
Appl. No.: 12/598,026
International Filing Date: April 28, 2008
Title: PYRAZOLE INHIBITORS OF WNT SIGNLAING
Attorney Docket No.: P2480R1
Pub. No.: US 2010/0137394 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 July 23, 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 includes a typographical error.

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 "Genentech, Inc." is incorrectly listed as "Grenentech" 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 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.

[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 25, 2010, a Filing Receipt was mailed by the Office, which included the typographical error in 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 use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

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

Application No.:	12/598,119	Filing Date:	March 25, 2010
First Named Inventor:	Helling, Günter		
Attorney Docket No.:	13318.0003U1		
Title of the Invention:	METAL SALT NANOGEL-CONTAINING POLYMERS		

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/EP2008/003490

The filing date of the EPO/ PCT application(s) is/are: April 30, 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.

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EPO AND THE USPTO

(continued)

Application No.:	12/598,119
First Named Inventor:	Helling, Günter

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in EPO Application	Explanation regarding the correspondence
Please see attached	Please see attached	Please see attached

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the EPO application.

Signature /Scott D. Marty, Reg. No. 53,277/	Date December 14, 2010
Name (Print/Typed) Scott D. Marty	Registration Number 53,277

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.

Copy of claims allowed by OFF

Patentansprüche

1. Verfahren zur Herstellung einer Metallionen enthaltenden wässrigen Dispersion (D-III), dadurch gekennzeichnet,dass eine wässrige Metallsalz-Nanogel enthaltende Dispersion (D-I) mit einer wässrigen Dispersion (D-II) einesPolymerisations-, Polykondensations- oder Polyadditionsproduktes abgemischt wird, wobei es sich bei dem Metallsalz-Nanogel um polymere Teilchen mit einen Durchmesser der volumengleichen Kugel von maximal etwa 500 nmhandelt, die wenigstens ein anionisch geladenes Polymer und als Gegenionen positive Ionen, insbesondere wenigstens eines Metalls oder eines Metallkomplexes aufweisen, wobei das anionisch geladene Polymer bezüglich der Gesamt-Molmenge der in dem Polymer enthaltenen Monomere von etwa 1 bis 100 Mol-% kovalent gebundene anionische Gruppen aufweist, und von der Gesamt-Molmenge der Gegenionen zwei- und/oder mehrwertige Ionen von etwa 1 bis 100 Mol-% ausmachen.

2. Verfahren nach Anspruch 1, dadurch gekennzeichnet, dass die Polymerisation zur Herstellung der Metallsalz- Nanogel enthaltenden Dispersion (D-I) in Gegenwart wenigstens eines bi- oder polyfunktionellen vernetzend wirkenden Monomers durchgeführt wird.

3. Verfahren nach einem der voranstehenden Ansprüche, dadurch gekennzeichnet, dass die Metallsalz-Nanogel enthaltende Dispersion (D-I) nach einem wenigstens dreistufigen Verfahren hergestellt wird, wobei zunächst (i) eine vernetzte Methacrylsäureester- oder Acrylsäureester-Einheiten umfassende Dispersion hergestellt wird, danach (ii) die Säureestergruppen zumindest teilweise durch Zugabe von Alkalimetall- oder Ammoniumhydroxid alkalisch hydrolysiert werden und anschließend (iii) die Alkalimetall- oder Ammoniumhydroxidionen zumindest teilweise durch mehrwertige Ionen ersetzt werden.

4. Verfahren nach einem der voranstehenden Ansprüche, dadurch gekennzeichnet, dass es sich bei den mehrwertigen Metallionen um Ionen von Magnesium, Calcium, Strontium, Barium, Eisen, Kobalt, Nickel, Kupfer, Zink, Blei, Cadmium, Zinn, Quecksilber, Wismut, Gold, Uran, Aluminium, Antimon, Cer, Chrom, Europium, Gallium, Germanium, Indium, Lutetium, Mangan, Neodym, Osmium, Palladium, Platin, Plutonium, Radium, Rhenium, Rhodium, Rubidium, Ruthenium, Samarium, Scandium, Tantal, Tellur, Terbium, Thallium, Thorium,

Thulium, Titan, Wolfram, Uran, Vanadium, Ytterbium und/oder Zircon handelt und wobei die Metallionen auch komplex gebunden sein können.

5. Wässrige Dispersion D-III, herstellbar mit einem der voranstehenden Verfahren.

6. Wässrige Dispersion D-III nach Anspruch 5 mit antimikrobieller Wirkung.

7. Verfahren zur Herstellung eines festen Zwischenprodukts, dadurch gekennzeichnet, dass aus der wässrigen Dispersion gemäß Anspruch 5 oder 6 Wasser entfernt wird.

8. Festes Zwischenprodukt, herstellbar mit dem Verfahren nach Anspruch 7.

9. Verfahren zur Herstellung eines wasserfesten Produkts, dadurch gekennzeichnet, dass die wässrige Dispersion nach Anspruch 5 oder 6 oder das feste Zwischenprodukt nach Anspruch 8 Bedingungen ausgesetzt werden, bei denen sie zumindest teilweise koaleszieren.

10. Wasserfestes Produkt, herstellbar mit einem Verfahren nach Anspruch 9.

11. Gegenstand oder Zubereitung, umfassend eine wässrige Dispersion nach Anspruch 5 oder 6 und/oder ein festes Zwischenprodukt nach Anspruch 8 und/oder ein wasserfestes Produkt nach Anspruch 10.

12. Gegenstand oder Zubereitung nach Anspruch 11, wobei es sich um Formkörper, Beschichtungsmassen, Folien oder einen Masterbatch zur funktionalen Ausrüstung von Kunststoffen handelt.

13. Gegenstand oder Zubereitung nach Anspruch 11 oder 12, wobei der Gegenstand oder die Zubereitung nach Anspruch 11 eine Barriere- und/oder Absorptionswirkung gegenüber Sauerstoff, Feuchte, chemische, insbesondere gasförmige Verbindungen, elektromagnetische oder radioaktive Strahlung besitzt.

14. Verwendung des Gegenstands oder der Zubereitung nach Anspruch 13 als Barriere gegen und/oder zur Absorption von Sauerstoff, Feuchte, chemische, insbesondere gasförmige Verbindungen, elektromagnetische oder radioaktive Strahlung.

15. Verwendung des Gegenstands oder der Zubereitung nach einem der Ansprüche 11 bis 13 als Griff, Glas- oder Kunststoffscheibe, Brillenglas, Kontaktlinse, Lebensmittelfolie, Elektronikschutzfolie, Medikamentenverpackung, Schalter, Geländer, Tastenkappe, Tastatur, Toilettendeckel, Toilettenbürste, Duscharmatur, Telefonhörer, Kinderspielzeug, insbesondere Plastikspielzeug, Folien, Fasern, Gewebe, Textilien, Wandbeschichtungen, Wandbekleidungen, Dichtmassen, Dachpfannen und Dämmmaterialien, Behälter und Geräte für die Pflanzenzucht sowie generell keimfrei zu haltender Behälter oder Umhüllungen wie z.B. Petrischalen, Wassertanks, Wasserrohre oder Isolierzelte; oder andere Produkte mit häufig berührten oder Keimen ausgesetzten Oberflächen; oder Produkte mit Empfindlichkeit gegenüber elektrischen Aufladungen, Sauerstoff, Feuchte, chemische, insbesondere gasförmige Verbindungen, elektromagnetische oder radioaktive Strahlung.

Translation of claims allowed by OFF

Claims

1. A method of preparing an aqueous dispersion (D-III) comprising metal ions, characterized in that an aqueous dispersion (D-I) comprising metal salt nanogel is blended with an aqueous dispersion (D-II) of a polymerization product, polycondensation product or polyaddition product, whereby that the metal salt nanogel is in the form of polymeric particles having a diameter of the equal-volume spheres of not more than about 500 nm, which contain at least one anionically charged polymer and, as counterions, positive ions, more particularly of at least one metal or metal complex and whereby in terms of the total molar amount of the monomers present in the polymer, the anionically charged polymers contain from about 1 to 100 mol% of covalently bonded anionic groups and whereby of the total molar amount of the counterions ions with a valency of two and/or more make up from about 1 to 100% mol%.

2. The method of claim 1, characterized in that the polymerization for preparing the dispersion (D-I) comprising metal salt nanogel is carried out in the presence of at least one difunctional or polyfunctional crosslinking monomer.

3. The method of either of the preceding claims, characterized in that the dispersion (D-I) comprising metal salt nanogel is prepared by an at least three-stage method, where first of all (i) a dispersion comprising crosslinked methacrylic ester or acrylic ester units is prepared, thereafter (ii) the ester groups are subjected to at least partial alkaline hydrolysis by addition of alkali metal hydroxide or ammonium hydroxide, and subsequently (iii) the alkali metal or ammonium hydroxide ions are at least partly replaced by polyvalent ions.

4. The method according to any of the preceding claims, characterized in that the polyvalent metal ions are ions of magnesium, calcium, strontium, barium, iron, cobalt, nickel, copper, zinc, lead, cadmium, tin, mercury, bismuth, gold, uranium, aluminum, antimony, cerium, chromium, europium, gallium, germanium, indium, lutetium, manganese, neodymium, osmium, palladium, platinum, plutonium, radium, rhenium, rhodium, rubidium, ruthenium, samarium, scandium, tantalum, tellurium, terbium, thallium, thorium, thulium, titanium, tungsten, uranium, vanadium, ytterbium and/or zirconium, it also being possible for the metal ions to be bound in complex form.

5. An aqueous dispersion D-III producible by one of the preceding methods.

6. An aqueous dispersion D-III according to Claim 5, having an antimicrobial effect.

7. A method of producing a solid intermediate, characterized in that water is removed from the aqueous dispersion of claim 5 or 6.

8. A solid intermediate producible by the method of claim 7.

9. A method of producing a water-resistant product, characterized in that the aqueous dispersion of claim 5 or 6 or the solid intermediate of claim 8 are subjected to conditions under which they undergo at least partial coalescence.

10. A water-resistant product producible by a method of claim 9.

11. An article or preparation comprising an aqueous dispersion of claim 5 or 6 and/or a solid intermediate of claim 8 and/or a water-resistant product of claim 10.

12. The article or preparation of claim 11, comprising molding, coating materials, films or a Masterbatch for the functional treatment of plastics.

13. The article or preparation according to any of claims 11 to 12, the article or the preparation of claim 11 possessing a barrier effect and/or absorption effect with respect to oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.

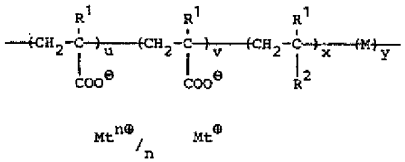
14. The use of the article or of the preparation of claim 13 as a barrier to and/or for the absorption of oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.

15. The use of the article or preparation of any of claims 11 to 13 as a handle, glass sheet or polymeric sheet, spectacle lens, contact lens, food film, electronic protection film, medicinal product packaging, switch, railings, keycap, keyboard, toilet lid, toilet brush, shower fitting,

telephone receiver, child's toy, more particularly plastic toy, films, fibers, woven fabrics, textiles, wall coatings, wall coverings, sealants, roof shingles, and insulating materials, containers and apparatus for plant breeding and also, generally, containers or surrounds to be kept germ-free, such as, for example, Petri dishes, water tanks, water pipes or isolation tents; or other products with surfaces that are frequently touched or are subject to germs; or products with sensitivity toward electrical charges, oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.

CLAIMS CORRESPONDENCE TABLE

No. OFF	Allowed Claim wording OFF	No. USPTO	Current claim wording USPTO	Explanation
1	A method of preparing an aqueous dispersion (D-III) comprising metal ions, characterized in that an aqueous dispersion (D-I) comprising metal salt nanogel is blended with an aqueous dispersion (D-II) of a polymerization product, polycondensation product or polyaddition product, whereby that the metal salt nanogel is in the form of polymeric particles having a diameter of the equal-volume spheres of not more than about 500 nm, which contain at least one anionically charged polymer and, as counterions, positive ions, more particularly of at least one metal or metal complex and whereby in terms of the total molar amount of the monomers present in the polymer, the anionically charged polymers contain from about 1 to 100 mol% of covalently bonded anionic groups and whereby of the total molar amount of the counterions ions with a valency of two and/or more make up from about 1 to 100% mol%.	1	A method of preparing an aqueous dispersion (D-III) comprising metal ions, characterized in that an aqueous dispersion **(D-I)** comprising metal salt nanogel is blended with an aqueous dispersion (D-II) of a polymerization product, polycondensation product or polyaddition product, whereby that the metal salt nanogel is in the form of polymeric particles having a diameter of the equal-volume spheres of not more than about 500 nm, which contain at least one anionically charged polymer and, as counterions, positive ions, more particularly of at least one metal or metal complex and whereby in terms of the total molar amount of the monomers present in the polymer, the anionically charged polymers contain from about 1 to 100 mol% of covalently bonded anionic groups and whereby of the total molar amount of the counterions ions with a valency of two and/or more make up from about 1 to 100% mol%.	
2	The method of claim 1, characterized in that the polymerization for preparing the dispersion (D-I) comprising metal salt nanogel is carried out in the presence of at least one difunctional or polyfunctional crosslinking monomer.	2	The method of claim 1, characterized in that the polymerization for preparing the dispersion (D-I) comprising metal salt nanogel is carried out in the presence of at least one difunctional or polyfunctional crosslinking monomer.	
3	The method of either of the preceding claims, characterized in that the dispersion (D-I) comprising metal salt nanogel is prepared by an at least three-stage method, where first of all (i) a dispersion comprising crosslinked methacrylic ester or acrylic ester units is prepared, thereafter (ii) the ester groups are subjected to at least partial alkaline hydrolysis by addition of alkali metal hydroxide or ammonium hydroxide, and subsequently (iii) the alkali metal or ammonium hydroxide ions are at least partly replaced by polyvalent ions.	3	The method of either of the preceding claims, characterized in that the dispersion (D-I) comprising metal salt nanogel is prepared by an at least three-stage method, where first of all (i) a dispersion comprising crosslinked methacrylic ester or acrylic ester units is prepared, thereafter (ii) the ester groups are subjected to at least partial alkaline hydrolysis by addition of alkali metal hydroxide or ammonium hydroxide, and subsequently (iii) the alkali metal or ammonium hydroxide ions are at least partly replaced by polyvalent ions.	
		4	The method of any of the preceding claims, characterized in that the metal salt nanogel comprises a polymer of the following formula:	This claim was derived from claim 6 of the US 12/598119 as published. It was cancelled in the European proceedings before the OFF.

			 in which R^1 is hydrogen, methyl or carboxymethyl, R^2 is the radical of an organic crosslinker compound having at least one further copolymerizable or copolymerized C-C double bond, M is polymerized units of an ethylenically unsaturated monomer which is copolymerizable with acrylic acid, methacrylic acid, acrylic ester or methacrylic ester, $Mt^{n\oplus}$ is an n-valent metal cation with n = 2, 3 or 4 of at least one metal, $Mt^{\oplus}$ is in particular an alkali metal cation or an ammonium cation, u,v,x,y are the molar fractions of the polymerized monomers present in the copolymer, in mol%, and specifically: u 5-99 mol%, preferably 10-90 mol% x 0.5-10 mol%, preferably 1-5 mol% v+y 0-94.5 mol%, preferably 0-85 mol%	
4	The method according to any of the preceding claims, characterized in that the polyvalent metal ions are ions of magnesium, calcium, strontium, barium, iron, cobalt, nickel, copper, zinc, lead, cadmium, tin, mercury, bismuth, gold, uranium, aluminum, antimony, cerium, chromium, europium, gallium, germanium, indium, lutetium, manganese, neodymium, osmium, palladium, platinum, plutonium, radium, rhenium, rhodium, rubidium, ruthenium, samarium, scandium, tantalum, tellurium, terbium, thallium, thorium, thulium, titanium, tungsten, uranium, vanadium, ytterbium and/or zirconium, it also being possible for the metal ions to be bound in complex form.	5	The method according to any of the preceding claims, characterized in that the polyvalent metal ions $Mt^{n\oplus}$ are ions of magnesium, calcium, strontium, barium, iron, cobalt, nickel, copper, zinc, lead, cadmium, tin, mercury, bismuth, gold, uranium, aluminum, antimony, cerium, chromium, europium, gallium, germanium, indium, lutetium, manganese, neodymium, osmium, palladium, platinum, plutonium, radium, rhenium, rhodium, rubidium, ruthenium, samarium, scandium, tantalum, tellurium, terbium, thallium, thorium, thulium, titanium, tungsten, uranium, vanadium, ytterbium and/or zirconium, it also being possible for the metal ions to be bound in complex form.	

5	An aqueous dispersion D-III producible by one of the preceding methods.	6	An aqueous dispersion D-III producible by one of the preceding methods.	
6	An aqueous dispersion D-III according to Claim 5, having an antimicrobial effect.	7	An aqueous dispersion D-III according to Claim 6, having an antimicrobial effect.	
7	A method of producing a solid intermediate, characterized in that water is removed from the aqueous dispersion of claim 5 or 6.	8	A method of producing a solid intermediate, characterized in that water is removed from the aqueous dispersion of claim 6 or 7.	
8	A solid intermediate producible by the method of claim 7.	9	.A solid intermediate producible by the method of claim 8.	
9	A method of producing a water-resistant product, characterized in that the aqueous dispersion of claim 5 or 6 or the solid intermediate of claim 8 are subjected to conditions under which they undergo at least partial coalescence.	10	A method of producing a water-resistant product, characterized in that the aqueous dispersion of claim 6 or 7 or the solid intermediate of claim 9 are subjected to conditions under which they undergo at least partial coalescence.	
10	A water-resistant product producible by a method of claim 9.	11	A water-resistant product producible by a method of claim 10.	
11	An article or preparation comprising an aqueous dispersion of claim 5 or 6 and/or a solid intermediate of claim 8 and/or a water-resistant product of claim 10.	12	An article or preparation comprising an aqueous dispersion of claim 6 or 7 and/or a solid intermediate of claim 9 and/or a water-resistant product of claim 11.	
12	The article or preparation of claim 11, comprising molding, coating materials, films or a Masterbatch for the functional treatment of plastics.	13	The article or preparation of claim 12, comprising moldings, coating materials, films or a masterbatch for the functional treatment of plastics.	
		14	An article, more particularly film, coated with the article or the preparation of claim 12 or 13.	This claim was derived from claim 14 of the US 12/598119 as published. It was cancelled in the European proceedings before the OFF.
		15	The article or preparation of any of claims 12 to 14, the article or preparation of claim 12 possessing an antimicrobial effect.	This claim was derived from claim 15 of the US 12/598119 as published. It was cancelled in the European proceedings before the OFF.
		16	The article or preparation of any of claims 12 to 25, the article or preparation of claim 12 possessing an antistatic effect.	This claim was derived from claim 16 of the US 12/598119 as published. It was cancelled in the European proceedings before the OFF.
		17	The article or preparation of any of claims 12 to 16, the article or preparation of claim 12 possessing an optical filter effect.	This claim was derived from claim 17 of the US 12/598119 as published. It was cancelled in the European proceedings before the OFF.
		18	The article or preparation of any of claims 12 to 17, the article or the preparation being optically transparent.	This claim was derived from claim 18 of the US 12/598119 and as published. It was cancelled in the European

				proceedings before the OFF.
13	The article or preparation according to any of claims 11 to 12, the article or the preparation of claim 11 possessing a barrier effect and/or absorption effect with respect to oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.	19	The article or preparation according to any of claims 12 to 18, the article or the preparation of claim 12 possessing a barrier effect and/or absorption effect with respect to oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.	
14	The use of the article or of the preparation of claim 13 as a barrier to and/or for the absorption of oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation	20	The use of the article or of the preparation of claim 19 as a barrier to and/or for the absorption of oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.	
		21	The use of the preparation of claim 12, 13 or 15 to 19 as a paint, stain, primer or wood preservative	This claim was derived from claim 21 of the US 12/598119 as published. It was cancelled in the European proceedings before the OFF
15	The use of the article or preparation of any of claims 11 to 13 as a handle, glass sheet or polymeric sheet, spectacle lens, contact lens, food film, electronic protection film, medicinal product packaging, switch, railings, keycap, keyboard, toilet lid, toilet brush, shower fitting, telephone receiver, child's toy, more particularly plastic toy, films, fibers, woven fabrics, textiles, wall coatings, wall coverings, sealants, roof shingles, and insulating materials, containers and apparatus for plant breeding and also, generally, containers or surrounds to be kept germ-free, such as, for example, Petri dishes, water tanks, water pipes or isolation tents; or other products with surfaces that are frequently touched or are subject to germs; or products with sensitivity toward electrical charges, oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.	22	The use of the article or preparation of any of claims 12 to 19 as a handle, glass sheet or polymeric sheet, spectacle lens, contact lens, food film, electronic protection film, medicinal product packaging, switch, railings, keycap, keyboard, toilet lid, toilet brush, shower fitting, telephone receiver, child's toy, more particularly plastic toy, films, fibers, woven fabrics, textiles, wall coatings, wall coverings, sealants, roof shingles, and insulating materials, containers and apparatus for plant breeding and also, generally, containers or surrounds to be kept germ-free, such as, for example, Petri dishes, water tanks, water pipes or isolation tents; or other products with surfaces that are frequently touched or are subject to germs; or products with sensitivity toward electrical charges, oxygen, moisture, chemical compounds, more particularly gaseous compounds, electromagnetic radiation or radioactive radiation.	

Written Opinion of the International Search Authority	International Reference PCT/EP2008/003490

Box Nr. V substantiated statement according to rule 43*bis* 1 a) regarding novelty, inventive step and commercial applicability; documents and explanations for support of this statement

1. Statement

Novelty	Yes: Claims No: Claims 1-22
Inventive Step	Yes: Claims No: Claims 1-22
Commercial applicability	Yes: Claims 1-22 No: Claims

2. Documents and explanations

see supplement

Box Nr. VII Specific shortcomings of the international application

It was found that the international application has the following shortcomings concerning its form or its content:

see supplement

Box Nr. VIII Specific comments concerning the international application

Concerning the clarity of the claims, the description and the drawings or concerning the question, whether the claims are fully supported by the description, the following is to be said:

see supplement

As regards the boxes nos. V and VII:

Cited documents:

D1: WO 2004/110610 A (HENKEL KGAA [DE]; SCHMIEDEL PETER [DE]; VOELKEL HEINZ-JUERGEN [DE]; PL) 23. Dezember 2004 (2004-12-23)
D2: DATABASE WPI Week 200560 Thomson Scientific, London, GB; AN 2005-585525 XP002490450 & JP 2005 206752 A (NIPPON ZEON KK) 4. August 2005 (2005-08-04)
D3: WO 03/002164 A (DOW GLOBAL TECHNOLOGIES INC [US]; KIM YOUNG-SAM [DE]) 9. Januar 2003 (2003-01-09)
D4: EP-A-1 153 936 (ROHM & HAAS [US]) 14. November 2001 (2001-11-14)
D5: WO 02/24757 A (ROHM & HAAS [US]) 28. März 2002 (2002-03-28)
D6: US-A-6 022 727 (WORDEN ROBERT MARK [US] ET AL) 8. Februar 2000 (2000-02-08)
D7: WO 00/31172 A (GRACE W R & CO [US]; JACHIMOWICZ FELEK [US]; CHUN BYONG WA [US]; WILLI) 2. Juni 2000 (2000-06-02)

1. Novelty (Art. 33 (2) PCT)

Present Claim 1 discloses a method of preparing an aqueous dispersion comprising metal ions characterized in that an aqueous dispersion comprising metal salt nanogel is blended with an aqueous dispersion of a polymerization product, polycondensation product or polyaddition product.

However, each of the above cited references D1 to D7 discloses such a method of preparing an aqueous dispersion comprising metal ions with all technical features of the present claim 1 (for the relevant passages of the text see the related international search report).

The applicant should especially note that the vague and unclear features "aqueous dispersion comprising metal salt nanogel" in lines 4/5 of the current claim 1, as well as furthermore also the unclear terms "polymerization, polycondensation or polyaddition product" in line 6 of said patent claim 1 can according to the usual office practice been deemed as implicitly disclosed in all cited references and thus can not establish novelty.

Each of the references D1 to D7 is thus detrimental as to novelty for the current claim 1.

Similar considerations also apply for the additional features of the current claims 2 to 22 in light of the disclosure of the cited references D1 to D7.

Therefore the entire subject-matter of the present application is not novel compared with the disclosure of the references D1 to D7.

2. Inventive Step (Art. 33 (3) PCT)

After submission of an amended main claim, which meets the requirements of Article 33 (2) PCT, the applicant should emphasize the distinguishing technical feature and relate it either to a surprising technical effect or convincingly demonstrate that this feature can not be readily deducted from the state of the art (Art. 33 (3) PCT).

3. Miscellaneous comments

As regards to the box no. VIII:

The vague and unclear features "aqueous dispersion comprising metal salt nanogel" in lines 4/5 of the current claim 1, as well as the unclear terms "polymerization, polycondensation or polyaddition product" in line 6 of said patent claim 1 correspond to an attempt of a definition of the subject-matter to be protected via so called desideratum-features and thus violate the requirement for clarity according to Art. 6 PCT. The applicant is asked to revise these passages with the aid of clear technical features, for example on the basis of the description or suited sub-claims.

In order to facilitate the comprehensibility of the subject-matter of the application, documents D1 to D7 should also be cited and the relevant prior art contained therein briefly outlined in the description, should the application enter a subsequent regional European phase.
The applicant must take care not to unallowably broaden the application.

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

Absender: INTERNATIONALE RECHERCHENBEHÖRDE

An:

siehe Formular PCT/ISA/220

PCT

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHENBEHÖRDE

(Regel 43*bis*.1 PCT)

Absendedatum *(Tag/Monat/Jahr)* 210 (Blatt 2)	siehe Formular PCT/ISA/
Aktenzeichen des Anmelders oder Anwalts siehe Formular PCT/ISA/220	**WEITERES VORGEHEN** siehe Punkt 2 unten

Internationales Aktenzeichen	Internationales Anmeldedatum *(Tag/Monat/Jahr)*	Prioritätsdatum *(Tag/Monat/Jahr)*
PCT/EP2008/003490	30.04.2008	02.05.2007

Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC
INV. B01J13/00

Anmelder
HELLING, Günter

1. Dieser Bescheid enthält Angaben zu folgenden Punkten:

- ☒ Feld Nr. I — Grundlage des Bescheids
- ☐ Feld Nr. II — Priorität
- ☐ Feld Nr. III — Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
- ☐ Feld Nr. IV — Mangelnde Einheitlichkeit der Erfindung
- ☒ Feld Nr. V — Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
- ☐ Feld Nr. VI — Bestimmte angeführte Unterlagen
- ☒ Feld Nr. VII — Bestimmte Mängel der internationalen Anmeldung
- ☒ Feld Nr. VIII — Bestimmte Bemerkungen zur internationalen Anmeldung

2. **WEITERES VORGEHEN**

Wird ein Antrag auf internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1*bis* b) mitgeteilt hat, dass schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden.

Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so ist der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen.

Weitere Optionen siehe Formblatt PCT/ISA/220.

3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der Internationalen Recherchenbehörde	Datum der Fertigstellung dieses Bescheids	Bevollmächtigter Bediensteter
Europäisches Patentamt D-80298 München Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	siehe Formular PCT/ISA/210	Glomm, Bernhard Tel. +49 89 2399-7158

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen
PCT/EP2008/003490

Feld Nr. 1 Grundlage des Bescheids

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der internationalen Recherche eingereicht worden ist (Regeln 12.3 a) und 23.1 b)).

2. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 43bis.1 a)).

3. Hinsichtlich der **Nucleotid- und/oder Aminosäuresequenz**, die in der internationalen Anmeldung offenbart wurde und für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt worden:

   a. Art des Materials:

   ☐ Sequenzprotokoll

   ☐ Tabelle(n) zum Sequenzprotokoll

   b. Form des Materials:

   ☐ in Papierform

   ☐ in elektronischer Form

   c. Zeitpunkt der Einreichung:

   ☐ in der eingereichten internationalen Anmeldung enthalten

   ☐ zusammen mit der internationalen Anmeldung in elektronischer Form eingereicht

   ☐ bei der Behörde nachträglich für die Zwecke der Recherche eingereicht

4. ☐ Wurden mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle eingereicht, so sind zusätzlich die erforderlichen Erklärungen, dass die Information in den nachgereichten oder zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt bzw. nicht über sie hinausgeht, vorgelegt worden.

5. Zusätzliche Bemerkungen:

Feld Nr. V Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit	Ja:	Ansprüche
	Nein:	Ansprüche 1-22
Erfinderische Tätigkeit	Ja:	Ansprüche
	Nein:	Ansprüche 1-22
Gewerbliche Anwendbarkeit	Ja:	Ansprüche: 1-22
	Nein:	Ansprüche:

2. Unterlagen und Erklärungen:

siehe Beiblatt

Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung

Es wurde festgestellt, dass die internationale Anmeldung nach Form oder Inhalt folgende Mängel aufweist:

siehe Beiblatt

Feld Nr. VIII Bestimmte Bemerkungen zur internationalen Anmeldung

Zur Klarheit der Patentansprüche, der Beschreibung und der Zeichnungen oder zu der Frage, ob die Ansprüche in vollem Umfang durch die Beschreibung gestützt werden, ist folgendes zu bemerken:

siehe Beiblatt

As regards the boxes nos. V and VII:

Cited documents:

D1: WO 2004/110610 A (HENKEL KGAA [DE]; SCHMIEDEL PETER [DE]; VOELKEL HEINZ-JUERGEN [DE]; PL) 23. Dezember 2004 (2004-12-23)

D2: DATABASE WPI Week 200560 Thomson Scientific, London, GB; AN 2005-585525 XP002490450 & JP 2005 206752 A (NIPPON ZEON KK) 4. August 2005 (2005-08-04)

D3: WO 03/002164 A (DOW GLOBAL TECHNOLOGIES INC [US]; KIM YOUNG-SAM [DE]) 9. Januar 2003 (2003-01-09)

D4: EP-A-1 153 936 (ROHM & HAAS [US]) 14. November 2001 (2001-11-14)

D5: WO 02/24757 A (ROHM & HAAS [US]) 28. März 2002 (2002-03-28)

D6: US-A-6 022 727 (WORDEN ROBERT MARK [US] ET AL) 8. Februar 2000 (2000-02-08)

D7: WO 00/31172 A (GRACE W R & CO [US]; JACHIMOWICZ FELEK [US]; CHUN BYONG WA [US]; WILLI) 2. Juni 2000 (2000-06-02)

1. Neuheit (Art. 33 (2) PCT)

Der vorliegende Patentanspruch 1 offenbart ein Verfahren zur Herstellung einer Metallionen enthaltenden wässerigen Dispersion, dadurch gekennzeichnet, dass eine wässerige Metallsalz-Nanogel enthaltende Dispersion mit einer wässerigen Dispersion eines Polymerisations-, Polykondensations- oder Polyadditionsproduktes abgemischt wird.

Jede der vorgenannten Literaturstellen D1 bis D7 offenbart allerdings ein derartiges Verfahren zur Herstellung einer Metallionen enthaltenden wässerigen Dispersion mit allen technischen Merkmalen entsprechend dem vorliegenden Anspruch 1 (für die relevanten Textpassagen vergleiche man den entsprechenden Internationalen Recherchenbericht).

Die Anmelderin sei insbesondere darauf hingewiesen, dass die vagen und unklaren Merkmale "wässerige Metalllsalz-Nanogel enthaltende Dispersion" in den Zeilen 4/5 des geltenden Patentanspruches 1, sowie ausserdem auch die unklaren Begriffe "Polymerisations-, Polykondensations- oder Polyadditionsproduktes" in der Zeile 6 des besagten Patentanspruches 1 entsprechend der üblichen Amtspraxis als in allen genannten Literaturstellen implizit offenbart gelten können und somit keine Neuheit begründen können.

Der geltende Patentanspruch 1 wird somit durch jede der Literaturstellen D1 bis D7 neuheitsschädlich vorweggenommen.

Ähnliche Überlegungen gelten auch für die zusätzlichen Merkmale der geltenden Ansprüche 2 bis 22 vor dem Hintergrund der Offenbarung der genannten Literaturstellen D1 bis D7.

Demzufolge sind sämtliche Gegenstände der vorliegenden Anmeldung gegenüber der Offenbarung der Literaturstellen D1 bis D7 jeweils nicht neu.

2. Erfinderische Tätigkeit (Art. 33 (3) PCT)

Nach Vorlage eines geänderten Hauptanspruchs, welcher die Kriterien des Artikels 33 (2) PCT erfüllt, sollte die Anmelderin das unterscheidende technische Merkmal herausstellen und dieses entweder mit einem überraschenden technischen Effekt in Verbindung bringen, oder glaubhaft darlegen, dass dieses Merkmal nicht ohne weiteres aus der Lehre des Standes der Technik ableitbar ist (Art. 33 (3) PCT).

3. Verschiedenes

As regards the box no. VIII:

Die vagen und unklaren Merkmale "wässerige Metalllsalz-Nanogel enthaltende Dispersion" in den Zeilen 4/5 des geltenden Patentanspruches 1, sowie ausserdem auch die unklaren Begriffe "Polymerisations-, Polykondensations- oder Polyadditionsproduktes" in der Zeile 6 des besagten Patentanspruches 1 entsprechen dem Versuch einer Definition der zu schützenden Gegenstände mit Hilfe sogenannter Desideratum-Merkmale und verstossen somit gegen das Erfordernis der Klarheit nach Art. 6 PCT. Die Anmelderin wird gebeten, die entsprechenden Passagen mit Hilfe klarer technischer Merkmale neu zu fassen, beipielsweise auf der Basis der Beschreibung oder geeigneter Unteransprüche.

Um die Verständlichkeit der Darstellung des Anmeldungsgegenstandes zu erhöhen, sind im Rahmen einer eventuell sich anschliessenden, regionalen europäischen Phase in der Beschreibung die Literaturstellen D1 bis D7 zusätzlich zu nennen; der darin enthaltene einschlägige Stand der Technik sollte kurz umrissen werden.
Jede unzulässige Erweiterung der Anmeldung ist zu vermeiden.

INTERNATIONALER VORLÄUFIGER BERICHT ÜBER DIE PATENTIERBARKEIT

Internationales Aktenzeichen
PCT/EP2008/003490

Feld Nr. I Grundlage des Berichts

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde.

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für folgenden Zweck eingereicht worden ist:
   - ☐ internationale Recherche (nach Regeln 12.3 a) und 23.1 b))
   - ☐ Veröffentlichung der internationalen Anmeldung (nach Regel 12.4 a))
   - ☐ internationale vorläufige Prüfung (nach Regeln 55.2 a) und/oder 55.3 a))

2. Hinsichtlich der **Bestandteile*** der internationalen Anmeldung beruht der Bericht auf *(Ersatzblätter, die dem Anmeldeamt auf eine Aufforderung nach Artikel 14 hin vorgelegt wurden, gelten im Rahmen dieses Berichts als "ursprünglich eingereicht" und sind ihm nicht beigefügt)*:

   Beschreibung, Seiten

   1-30 in der ursprünglich eingereichten Fassung

   Ansprüche, Nr.

   1-22 eingegangen am 15.01.2009 mit Schreiben vom 13.01.2009

   ☐ einem Sequenzprotokoll und/oder etwaigen dazugehörigen Tabellen - siehe Zusatzfeld betreffend das Sequenzprotokoll

3. ☐ Aufgrund der Änderungen sind folgende Unterlagen fortgefallen:
   - ☐ Beschreibung: Seite
   - ☐ Ansprüche: Nr.
   - ☐ Zeichnungen: Blatt/Abb.
   - ☐ Sequenzprotokoll *(genaue Angaben)*:
   - ☐ etwaige zum Sequenzprotokoll gehörende Tabellen *(genaue Angaben)*:

4. ☐ Dieser Bericht ist ohne Berücksichtigung (von einigen) der diesem Bericht beigefügten und nachstehend aufgelisteten Änderungen erstellt worden, da diese aus den im Zusatzfeld angegebenen Gründen nach Auffassung der Behörde über den Offenbarungsgehalt in der ursprünglich eingereichten Fassung hinausgehen (Regel 70.2 c)).
   - ☐ Beschreibung: Seite
   - ☐ Ansprüche: Nr.
   - ☐ Zeichnungen: Blatt/Abb.
   - ☐ Sequenzprotokoll *(genaue Angaben)*:
   - ☐ etwaige zum Sequenzprotokoll gehörende Tabellen *(genaue Angaben)*:

5. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 70.2 e)).

6. ☐ Bei der Erstellung dieses Berichts wurde der ergänzende internationale Recherchenbericht/wurden die ergänzenden internationalen Recherchenberichte der folgenden Behörde(n) berücksichtigt (R. 45bis.8 b) und c)).

Feld Nr. V Begründete Feststellung nach Artikel 35 (2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit (N)	Ja:	Ansprüche	1-22
	Nein:	Ansprüche	
Erfinderische Tätigkeit (IS)	Ja:	Ansprüche	1-22
	Nein:	Ansprüche	
Gewerbliche Anwendbarkeit (IA)	Ja:	Ansprüche:	1-22
	Nein:	Ansprüche:	

2. Unterlagen und Erklärungen (Regel 70.7):

siehe Beiblatt

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference H0602-WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2008/003490	International filing date *(day/month/year)* 30.04.2008	Priority date *(day/month/year)* 02.05.2007
International Patent Classification (IPC) or national classification and IPC B01J13/00		
Applicant HELLING, Günter		

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 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 5 sheets, as follows:
      - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))

   _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

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

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2008/003490

Box No. I **Basis of the report**

1. With regard to the **language**, this report is based on:
   - [x] the international application in the language in which it was filed
   - [ ] a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
     - [ ] international search (Rules 12.3(a) and 23.1(b))
     - [ ] publication of the international application (Rule 12.4(a))
     - [ ] international preliminary examination (Rule 55.2(a) and/or 55.3(a))
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
   - [ ] the international application as originally filed/furnished
   - [x] the description:
     - pages 1-30 as originally filed/furnished
     - pages* _____ received by this Authority on _____
     - pages* _____ received by this Authority on _____
   - [x] the claims:
     - nos. _____ as originally filed/furnished
     - nos.* _____ as amended (together with any statement) under Article 19
     - nos.* 1-22 received by this Authority on 15.01.2009 with letter of 13.01.2009
     - nos.* _____ received by this Authority on _____
   - [ ] the drawings:
     - sheets _____ as originally filed/furnished
     - sheets* _____ received by this Authority on _____
     - sheets* _____ received by this Authority on _____
   - [ ] a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages _____
   - [ ] the claims, nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____
   - [ ] any table(s) related to sequence listing *(specify)*: _____
4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - [ ] the description, pages _____
   - [ ] the claims, nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____
   - [ ] any table(s) related to sequence listing *(specify)*: _____
5. [ ] This report has been established taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).
6. [ ] Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2008/003490

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	1-22	YES
	Claims		NO
Inventive step (IS)	Claims	1-22	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The following documents were taken into account:

D1: WO 2004/110610 A (HENKEL KGAA [DE]; SCHMIEDEL PETER [DE]; VOELKEL HEINZ-JUERGEN [DE]; PL) 23 December 2004 (2004-12-23)

D2: DATABASE WPI Week 200560 Thomson Scientific, London, GB; AN 2005-585525 XP002490450 & JP 2005 206752 A (NIPPON ZEON KK) 4 August 2005 (2005-08-04)

D3: WO 03/002164 A (DOW GLOBAL TECHNOLOGIESINC [US]; KIM YOUNG-SAM[DE]) 9 January 2003 (2003-01-09)

D4: EP-A-1 153 936 (ROHM & HAAS [US]) 14 November 2001 (2001-11-14)

D5: WO 02/24757 A (ROHM & HAAS [US]) 28 March 2002 (2002-03-28)

D6: US-A-6022727 (WORDEN ROBERT MARK [US] ET AL) 8 February 2000 (2000-02-08)

D7: WO 00/31172 A (GRACE W R & CO [US]; JACHIMOWICZ FELEK [US]; CHUN BYONG WA [US]; WILLI) 2 June 2000 (2000-06-02)

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. Novelty (PCT Article 33(2))

The present claim 1 discloses a method for producing a metal ion-containing aqueous dispersion characterized in that an aqueous metal salt nanogel-containing dispersion is mixed with an aqueous dispersion of a polymerization product, polycondensation product or polyaddition product.
However, none of the aforementioned documents D1 to D7 discloses a method of this type for producing a metal ion-containing aqueous dispersion having all of the technical features of the present claim 1. The subject matter of the application is therefore novel.

2. Inventive step (PCT Article 33(3))

In acknowledgement of the applicant's additional arguments made in the letter of 13 January 2009, received on 15 January 2009, in particular on page 4, third paragraph, and in light of the technical information in the description, in particular regarding embodiments 1 and 2 on page 30, the prior art as a whole also does not seem to anticipate the surprising advantages achieved in the application with regard to the use of the claimed aqueous dispersion for improving plastics materials. An inventive step can therefore also be recognized.

3. Miscellaneous comments

In order to facilitate the comprehensibility of the subject matter of the application, documents D1 to D7 should also be cited and the relevant prior art contained

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

therein briefly outlined in the description should the application enter a subsequent regional European phase. In addition, the description must be brought into line with the present, amended set of claims during this phase.

The applicant must take care not to unallowably broaden the application.

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2008/003490

A. CLASSIFICATION OF SUBJECT MATTER
INV. B01J13/00

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)
B01J

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, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2004/110610 A (HENKEL KGAA [DE]; SCHMIEDEL PETER [DE]; VOELKEL HEINZ-JUERGEN [DE]; PL) 23 December 2004 (2004-12-23) claims 1-27; examples 1,2 -----	1-22
X	DATABASE WPI Week 200560 Thomson Scientific, London, GB; AN 2005-585525 XP002490450 & JP 2005 206752 A (NIPPON ZEON KK) 4 August 2005 (2005-08-04) abstract -----	1-22
X	WO 03/002164 A (DOW GLOBAL TECHNOLOGIES INC [US]; KIM YOUNG-SAM [DE]) 9 January 2003 (2003-01-09) claims 1-19; examples 1-17 -----	1-22

-/--

[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
31 Juli 2008	08/08/2008

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, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Glomm, Bernhard

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2008/003490

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 153 936 A (ROHM & HAAS [US]) 14 November 2001 (2001-11-14) claims 1-11; examples 1-60	1-22
X	WO 02/24757 A (ROHM & HAAS [US]) 28 March 2002 (2002-03-28) claims 1-47; examples 1-25	1-22
X	US 6 022 727 A (WORDEN ROBERT MARK [US] ET AL) 8 February 2000 (2000-02-08) claims 1-21; examples 1-17	1-22
X	WO 00/31172 A (GRACE W R & CO [US]; JACHIMOWICZ FELEK [US]; CHUN BYONG WA [US]; WILLI) 2 June 2000 (2000-06-02) claims 1-27; examples 1,2	1-22

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/EP2008/003490

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
WO 2004110610	A	23-12-2004	EP	1633469	A1	15-03-2006
			JP	2006527291	T	30-11-2006
			US	2006178284	A1	10-08-2006
JP 2005206752	A	04-08-2005	NONE			
WO 03002164	A	09-01-2003	BR	0211309	A	28-09-2004
			CN	1547488	A	17-11-2004
			DE	60217678	T2	25-10-2007
			EP	1404385	A2	07-04-2004
			JP	2004534581	T	18-11-2004
EP 1153936	A	14-11-2001	BR	0101956	A	18-12-2001
			CN	1323839	A	28-11-2001
			DE	60104594	D1	09-09-2004
			DE	60104594	T2	04-08-2005
			JP	2001323006	A	20-11-2001
			MX	PA01004766	A	04-06-2002
			SG	96213	A1	23-05-2003
			TW	536545	B	11-06-2003
WO 0224757	A	28-03-2002	AU	2001289119	B2	02-11-2006
			AU	2001291025	B2	05-05-2005
			AU	2001291026	B2	28-04-2005
			BR	0113995	A	12-08-2003
			BR	0113999	A	12-08-2003
			BR	0114000	A	12-08-2003
			BR	0114001	A	19-08-2003
			CN	1622959	A	01-06-2005
			CN	1462281	A	17-12-2003
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			CN	1462280	A	17-12-2003
			CN	1664001	A	07-09-2005
			DE	60124940	T2	20-09-2007
			EP	1328555	A2	23-07-2003
			EP	1325037	A2	09-07-2003
			EP	1325038	A2	09-07-2003
			EP	1328553	A2	23-07-2003
			JP	3986959	B2	03-10-2007
			JP	2004509984	T	02-04-2004
			JP	4030428	B2	09-01-2008
			JP	2004509985	T	02-04-2004
			JP	3925646	B2	06-06-2007
			JP	2004509987	T	02-04-2004
			JP	2004517980	T	17-06-2004
			JP	2006257443	A	28-09-2006
			TW	231304	B	21-04-2005
			TW	584638	B	21-04-2004
			TW	587083	B	11-05-2004
			WO	0224758	A2	28-03-2002
			WO	02055563	A2	18-07-2002
			WO	0224760	A2	28-03-2002
US 6022727	A	08-02-2000	NONE			
WO 0031172	A	02-06-2000	AU	1478400	A	13-06-2000
			EP	1153071	A1	14-11-2001
			JP	2002530498	T	17-09-2002

INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen
PCT/EP2008/003490

A. KLASSIFIZIERUNG DES ANMELDUNGSGEGENSTANDES
INV. B01J13/00

Nach der Internationalen Patentklassifikation (IPC) oder nach der nationalen Klassifikation und der IPC

B. RECHERCHIERTE GEBIETE

Recherchierter Mindestprüfstoff (Klassifikationssystem und Klassifikationssymbole)
B01J

Recherchierte, aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen, soweit diese unter die recherchierten Gebiete fallen

Während der internationalen Recherche konsultierte elektronische Datenbank (Name der Datenbank und evtl. verwendete Suchbegriffe)

EPO-Internal, WPI Data

C. ALS WESENTLICH ANGESEHENE UNTERLAGEN

Kategorie*	Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
X	WO 2004/110610 A (HENKEL KGAA [DE]; SCHMIEDEL PETER [DE]; VOELKEL HEINZ-JUERGEN [DE]; PL) 23. Dezember 2004 (2004-12-23) Ansprüche 1-27; Beispiele 1,2 -----	1-22
X	DATABASE WPI Week 200560 Thomson Scientific, London, GB; AN 2005-585525 XP002490450 & JP 2005 206752 A (NIPPON ZEON KK) 4. August 2005 (2005-08-04) Zusammenfassung -----	1-22
X	WO 03/002164 A (DOW GLOBAL TECHNOLOGIES INC [US]; KIM YOUNG-SAM [DE]) 9. Januar 2003 (2003-01-09) Ansprüche 1-19; Beispiele 1-17 -----	1-22
	-/--	

[X] Weitere Veröffentlichungen sind der Fortsetzung von Feld C zu entnehmen [X] Siehe Anhang Patentfamilie

* Besondere Kategorien von angegebenen Veröffentlichungen :
"A" Veröffentlichung, die den allgemeinen Stand der Technik definiert, aber nicht als besonders bedeutsam anzusehen ist
"E" älteres Dokument, das jedoch erst am oder nach dem internationalen Anmeldedatum veröffentlicht worden ist
"L" Veröffentlichung, die geeignet ist, einen Prioritätsanspruch zweifelhaft erscheinen zu lassen, oder durch die das Veröffentlichungsdatum einer anderen im Recherchenbericht genannten Veröffentlichung belegt werden soll oder die aus einem anderen besonderen Grund angegeben ist (wie ausgeführt)
"O" Veröffentlichung, die sich auf eine mündliche Offenbarung, eine Benutzung, eine Ausstellung oder andere Maßnahmen bezieht
"P" Veröffentlichung, die vor dem internationalen Anmeldedatum, aber nach dem beanspruchten Prioritätsdatum veröffentlicht worden ist
"T" Spätere Veröffentlichung, die nach dem internationalen Anmeldedatum oder dem Prioritätsdatum veröffentlicht worden ist und mit der Anmeldung nicht kollidiert, sondern nur zum Verständnis des der Erfindung zugrundeliegenden Prinzips oder der ihr zugrundeliegenden Theorie angegeben ist
"X" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann allein aufgrund dieser Veröffentlichung nicht als neu oder auf erfinderischer Tätigkeit beruhend betrachtet werden
"Y" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann nicht als auf erfinderischer Tätigkeit beruhend betrachtet werden, wenn die Veröffentlichung mit einer oder mehreren anderen Veröffentlichungen dieser Kategorie in Verbindung gebracht wird und diese Verbindung für einen Fachmann naheliegend ist
"&" Veröffentlichung, die Mitglied derselben Patentfamilie ist

Datum des Abschlusses der internationalen Recherche	Absendedatum des internationalen Recherchenberichts
31. Juli 2008	08/08/2008

Name und Postanschrift der Internationalen Recherchenbehörde	Bevollmächtigter Bediensteter
Europäisches Patentamt, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Glomm, Bernhard

INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen
PCT/EP2008/003490

C. (Fortsetzung) ALS WESENTLICH ANGESEHENE UNTERLAGEN

Kategorie*	Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
X	EP 1 153 936 A (ROHM & HAAS [US]) 14. November 2001 (2001-11-14) Ansprüche 1-11; Beispiele 1-60	1-22
X	WO 02/24757 A (ROHM & HAAS [US]) 28. März 2002 (2002-03-28) Ansprüche 1-47; Beispiele 1-25	1-22
X	US 6 022 727 A (WORDEN ROBERT MARK [US] ET AL) 8. Februar 2000 (2000-02-08) Ansprüche 1-21; Beispiele 1-17	1-22
X	WO 00/31172 A (GRACE W R & CO [US]; JACHIMOWICZ FELEK [US]; CHUN BYONG WA [US]; WILLI) 2. Juni 2000 (2000-06-02) Ansprüche 1-27; Beispiele 1,2	1-22

INTERNATIONALER RECHERCHENBERICHT

Angaben zu Veröffentlichungen, die zur selben Patentfamilie gehören

Internationales Aktenzeichen
PCT/EP2008/003490

Im Recherchenbericht angeführtes Patentdokument	Datum der Veröffentlichung	Mitglied(er) der Patentfamilie	Datum der Veröffentlichung
WO 2004110610 A	23-12-2004	EP 1633469 A1	15-03-2006
		JP 2006527291 T	30-11-2006
		US 2006178284 A1	10-08-2006
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WO 03002164 A	09-01-2003	BR 0211309 A	28-09-2004
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		EP 1404385 A2	07-04-2004
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EP 1153936 A	14-11-2001	BR 0101956 A	18-12-2001
		CN 1323839 A	28-11-2001
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		DE 60104594 T2	04-08-2005
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WO 0224757 A	28-03-2002	AU 2001289119 B2	02-11-2006
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		BR 0114000 A	12-08-2003
		BR 0114001 A	19-08-2003
		CN 1622959 A	01-06-2005
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		CN 1462282 A	17-12-2003
		CN 1462280 A	17-12-2003
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		EP 1328555 A2	23-07-2003
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		EP 1325038 A2	09-07-2003
		EP 1328553 A2	23-07-2003
		JP 3986959 B2	03-10-2007
		JP 2004509984 T	02-04-2004
		JP 4030428 B2	09-01-2008
		JP 2004509985 T	02-04-2004
		JP 3925646 B2	06-06-2007
		JP 2004509987 T	02-04-2004
		JP 2004517980 T	17-06-2004
		JP 2006257443 A	28-09-2006
		TW 231304 B	21-04-2005
		TW 584638 B	21-04-2004
		TW 587083 B	11-05-2004
		WO 0224758 A2	28-03-2002
		WO 02055563 A2	18-07-2002
		WO 0224760 A2	28-03-2002
US 6022727 A	08-02-2000	KEINE	
WO 0031172 A	02-06-2000	AU 1478400 A	13-06-2000
		EP 1153071 A1	14-11-2001
		JP 2002530498 T	17-09-2002

Betreffend die Ziffer V:

In Betracht gezogene Literaturstellen:

D1: WO 2004/110610 A (HENKEL KGAA [DE]; SCHMIEDEL PETER [DE]; VOELKEL HEINZ-JUERGEN [DE]; PL) 23. Dezember 2004 (2004-12-23)

D2: DATABASE WPI Week 200560 Thomson Scientific, London, GB; AN 2005-585525 XP002490450 & JP 2005 206752 A (NIPPON ZEON KK) 4. August 2005 (2005-08-04)

D3: WO 03/002164 A (DOW GLOBAL TECHNOLOGIES INC [US]; KIM YOUNG-SAM [DE]) 9. Januar 2003 (2003-01-09)

D4: EP-A-1 153 936 (ROHM & HAAS [US]) 14. November 2001 (2001-11-14)

D5: WO 02/24757 A (ROHM & HAAS [US]) 28. März 2002 (2002-03-28)

D6: US-A-6 022 727 (WORDEN ROBERT MARK [US] ET AL) 8. Februar 2000 (2000-02-08)

D7: WO 00/31172 A (GRACE W R & CO [US]; JACHIMOWICZ FELEK [US]; CHUN BYONG WA [US]; WILLI) 2. Juni 2000 (2000-06-02)

1. Neuheit (Art. 33 (2) PCT)

Der vorliegende Patentanspruch 1 offenbart ein Verfahren zur Herstellung einer Metallionen enthaltenden wässerigen Dispersion, dadurch gekennzeichnet, dass eine wässerige Metallsalz-Nanogel enthaltende Dispersion mit einer wässerigen Dispersion eines Polymerisations-, Polykondensations- oder Polyadditionsproduktes abgemischt wird.

Keine der vorgenannten Literaturstellen D1 bis D7 offenbart allerdings ein derartiges Verfahren zur Herstellung einer Metallionen enthaltenden wässerigen Dispersion mit allen technischen Merkmalen entsprechend dem vorliegenden Anspruch 1. Somit ist der Anmeldungsgegenstand neu.

2. Erfinderische Tätigkeit (Art. 33 (3) PCT)

In Würdigung der im Schreiben vom 13.01.2009, eingegangen am 15.01.2009, insbesondere auf Seite 4, Absatz 3 vorgetragenen zusätzlichen Argumente des Anmelders und im Lichte der technischen Informationen in der Beschreibung, insbesondere betreffend die beiden Ausführungsbeispiele 1 und 2 auf der Seite 30 scheint der Gesamtstand der Technik die anmeldungsgemäss erzielten, überraschenden Vorteile im Hinblick auf den Einsatz der beanspruchten, wässerigen Dispersion zur Kunststoffveredelung auch nicht nahe zu legen. Die erfinderische Tätigkeit ist daher ebenfalls anzuerkennen.

3. Verschiedenes

Um die Verständlichkeit der Darstellung des Anmeldungsgegenstandes zu erhöhen, sind im Rahmen einer eventuell sich anschliessenden, regionalen europäischen Phase in der Beschreibung die Literaturstellen D1 bis D7 zusätzlich zu nennen; der darin enthaltene einschlägige Stand der Technik sollte kurz umrissen werden. Die Beschreibung ist in dieser Phase ausserdem an den geltenden geänderten Anspruchssatz anzupassen.

Jede unzulässige Erweiterung der Anmeldung ist zu vermeiden.

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.
12/598,119	03/25/2010	Günter Helling	13318.0003U1	6379

23859 7590 01/24/2011
Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

EXAMINER
LENIHAN, JEFFREY S

ART UNIT	PAPER NUMBER
1765	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

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

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

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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BC

January 24, 2011

In re application of	:	DECISION ON REQUEST TO
Gunter Helling	:	PARTICIPATE IN PATENT
Serial No. 12/598,119	:	PROSECUTION HIGHWAY
Filed: October 29, 2009	:	PROGRAM AND
For: METAL SALT NANOGEL-CONTAINING	:	PETITION TO MAKE SPECIAL
POLYMERS	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Brooks Kushman P.C.
1000 Town Center
Twenty-second Floor
Southfield MI 48075

MAILED
OCT 28 2010
PCT LEGAL ADMINISTRATION

In re Application of
BRAILSFORD (deceased)
Application No.: 12/598,172
PCT No.: PCT/IB2008/001412
Int. Filing Date: 30 April 2008
Priority Date: 30 April 2007
Attorney Docket No.: WIY0113PUSA
For: PAINT REMOVER

DECISION
REGARDING
SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 30 August 2010 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 30 April 2008, applicant filed international application PCT/IB2008/001412 which claimed a priority date of 30 April 2007. On 27 November 2008, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau. The deadline for payment of the basic national fee was 30 October 2009 (thirty months from the priority date).

On 29 October 2009, applicant filed a request for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 28 January 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 30 August 2010, applicant filed an executed declaration.

On 21 September 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 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 30 August 2010.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 30 August 2010 was executed by Simon Mark Dormon, Sara Jayne Brailsford, and Michele Ann Brailsford as "legal representative(s)" to the deceased inventor, Michael Brailsford. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representatives. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
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NOV 23 2010

PCT LEGAL ADMINISTRATION

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:	
Bakshi et al.	:	
Application No.: 12/598,176	:	DECISION
PCT No.: PCT/EP2008/055214	:	
Int. Filing Date: 29 April 2008	:	ON
Priority Date: 02 May 2007	:	
Attorney Docket No.: 50125/159001	:	PETITION
For: Klebsiella Antigens	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 23 September 2010.

BACKGROUND

This international application was filed on 29 April 2008, claimed an earlier priority date of 02 May 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 13 November 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 02 November 2009. Applicants filed *inter alia* the basic national fee on 29 October 2009.

On 25 February 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring *inter alia* the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

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.

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

Regarding **requirement (2)**, petitioner has provided a "Declaration of Sabine Graf," who describes her efforts to obtain Dr. Zierer's signature of the application. Ms. Graf provides copies of email correspondence in German, but it is not clear that English translations of all of the emails have been provided. The 07 May 2010 email from Dr. Zierer states in part that "I do not want to attach my signature (whatsoever) thereto." However, it is not clear that this refusal was made after Dr. Zierer was presented with a complete copy of the application papers and an oath or declaration for her execution. *See* MPEP 409.03(d). Petitioner may wish to transmit these items to the non-signing inventor's last known physical address for possible review and signature.

Regarding **requirement (3)**, the petition indicates the last known address of the non-signing joint inventor.

Regarding **requirement (4)**, the declaration filed on 23 September 2010 is acceptable.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. 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

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JUN 10 2011

PCT LEGAL ADMINISTRATION

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:	
Bakshi et al.	:	
Application No.: 12/598,176	:	DECISION
PCT No.: PCT/EP2008/055214	:	
Int. Filing Date: 29 April 2008	:	ON
Priority Date: 02 May 2007	:	
Attorney Docket No.: 50125/159001	:	PETITION
For: Klebsiella Antigens	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 11 April 2011.

DISCUSSION

In a Decision mailed on 23 November 2010, the petition under 37 CFR 1.47(a) filed on 23 September 2010 was dismissed, without prejudice, because requirement (2) had not been met.

In response, petitioner now presents an "Affidavit of Applicant Ing. Dagmar Zierer," in which she expressly asserts her refusal to sign the declaration after having been presented with a copy of the application papers. In view of this Affidavit, it would be appropriate to conclude that requirement (2) 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 her last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **23 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

Dagmar Zierer
Halbgasse 9/19
1070 Wien (Vienna)
AUSTRIA

MAILED

JUN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
Bakshi et al.
Application No.: 12/598,176
PCT No.: PCT/EP2008/055214
Int. Filing Date: 29 April 2008
Priority Date: 02 May 2007
Attorney Docket No.: 50125/159001
For: Klebsiella Antigens

Dear Ms. Zierer:

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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

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.
12/598,203	10/30/2009	Manabu Tateno	348135US26PCT	7616

22850 7590 07/20/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
DENION, THOMAS E

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
07/20/2011	ELECTRONIC

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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

In re Application of:	DECISION ON A REQUEST TO
TATENO, MANABU	PARTICIPATE IN PATENT
Serial No.: 12/598203	PROSECUTION HIGHWAY
Filed: October 30, 2009	PROGRAM AND PETITION
Attorney Docket No. : 348135US26PCT	TO MAKE SPECIAL UNDER
Title: VARIABLE VALVE APPARATUS	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 13, 2011 to make the above-identified application special.

The request and petition are **granted.**

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

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

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	12598219
Filing Date	27-Dec-2009
First Named Inventor	Mordechai Shohat
Art Unit	2857
Examiner Name	JEFFREY WEST
Attorney Docket Number	LUZ065PU
Title	System, Method and Device for Comprehensive Individualized Genetic Information or Genetic Counseling

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22948

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

10.40(c)(1)(iv)

Certifications

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

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

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

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 22948

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/T F Marsteller, Reg No 29672/
Name	Thomas F. Marsteller, Jr.
Registration Number	29672

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 24, 2012

In re Application of :

Mordechai Shohat

Application No : 12598219

Filed : 27-Dec-2009

Attorney Docket No : LUZ065PU

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 24, 2012

The request is **APPROVED**

The request was signed by Thomas F. Marsteller, Jr. (registration no. 29672) on behalf of all attorneys/agents associated with Customer Number 22948 . All attorneys/agents associated with Customer Number 22948 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 22948 .

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

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

Office of Petitions

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

MAILED
SEP 23 2011
OFFICE OF PETITIONS

In re Application of Coleman et al.	:	
Application No. 12/598,224	:	Letter
371(c) Date: April 22, 2010	:	
Attorney Docket No. 1201.78198	:	

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed August 25, 2011.

The deficiency payment of $285 is hereby accepted.

The change of status to large entity has been entered and made of record.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

MAILED
AUG 04 2011
OFFICE OF PETITIONS

Applicant: Lerche, et al.
Appl. No.: 12/598,405
International Filing Date: April 30, 2008
Title: DETERMINING PARTICLE PROPERTIES BY MEANS OF SUPERIMPOSED FIELDS
Attorney Docket No.: 1033415-000004
Pub. No.: US 2010/0198523 A1
Pub. Date: August 5, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 4, 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

0 4 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Synthetic Genomics c/o MoFo
12531 High Bluff Drive, Suite 100
San Diego CA 92130

In re Application of: GLASS, John, I., et al. U.S. Application No.: 12/598,414 PCT No.: PCT/US2008/062307 International Filing Date: 10 July 2008 Claimed Priority Date: 01 May 2007 Attorney's Docket No.: 616872001000 For: METHODS OF GENOME INSTALLATION IN A RECIPIENT HOST CELL	DECISION ON PETITION (37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182 To Accord An 01 May 2008 Filing Date" filed 12 March 2010. No petition fee is required.

BACKGROUND

On 01 May 2008, applicant filed in the United States Receiving Office (RO/US) materials to initiate international application PCT/US2008/062307. The international application included priority claims directed to two U.S. provisional applications, application numbers 60/927,293 and 60/927,259, both filed on 01 May 2007. The Request (Form PCT/RO/101) filed on 01 May 2008 indicated that the international application included 15 sheets of drawings; however, no drawings were included in the materials filed on 01 May 2008.

On 19 May 2008, the United States Receiving Office (RO/US) mailed a "Notification Of The International Application Filing Number And Of The International Filing Date" (Form PCT/RO/105) identifying the international filing date as 01 May 2008, and an "Invitation Relating To Certain Parts Of The International Application That Are, Or Appear To Be, Missing" (Form PCT/RO/107) indicating that "parts or all of the drawings are, or appear to be, missing."

On 10 July 2008, applicant filed a "Response To The Invitation Relating To Certain Parts Of The International Patent Application That Are, Or Appear To Be, Missing." The submission included 15 sheets of drawings, which applicant requested "be added to the originally filed application." The submission also requested confirmation of incorporation by reference of these drawings under PCT Rule 4.18, asserting that such drawings were contained in the priority applications.

On 04 September 2008, the RO/US mailed a "Notification Of Decision Of Confirmation Of Incorporation By Reference Of Element Or Part" (Form PCT/RO/114) stating that the requirements of PCT Rules 4.18 and 20.6(a) had not been complied with and that the drawings filed on 10 July 2008 were therefore not considered to have been contained in the international application as originally filed.

Also on 04 September 2008, the RO/US mailed a "Notification Concerning Later Submitted Parts Of An International Application" (Form PCT/RO/126). The Form PCT/RO/126 confirms that the missing drawings furnished by applicant to complete the international application were received on 10 July 2010 and states that, because the drawings were furnished within two months from the invitation mailed 19 May 2008, and because incorporation by reference was not confirmed in accordance with PCT Rules 4.18 and 20.6(a), the later submitted drawings had been included in the international application and the international filing date had been corrected to 10 July 2008, the date on which such drawings were received by the RO/US. The Form PCT/RO/126 went on to state (emphasis included):

> The applicant may, in a notice submitted to receiving Office within one month from the date of mailing of this notification, **request that the missing part concerned be disregarded**, in which case the missing part shall be considered not to have been furnished and the correction of the international filing date shall be considered not to have been made (Rule 20.5(c)).

On 11 September 2008, applicant filed a "Response To The Notification Concerning Later Submitted Parts Of An International Application." The submission included revised copies of the 15 sheets of drawings, which applicant asserted were an "exact copy of drawings contained in the earlier claimed priority applications," and it requested that these drawings "replace the drawings of the originally filed application." This submission did not request that the missing drawings filed in the international application be disregarded and that the original international filing date be reinstated.

On 30 October 2009, applicant filed the present application as the United States national stage of international application PCT/US2008/062307.

On 23 February 2010, a "Communication In Cases For Which No Other Form Is Applicable" (Form PCT/RO/132) and a "Notification Of Decision Concerning Request For Rectification" (Form PCT/ISA/217) were mailed in international application PCT/US2008/062307. The Form PCT/RO/132 noted that applicant's 11 September 2008 submission did not request that the missing drawings be disregarded and the original international filing date reinstated, but rather requested that the included drawings replace those in the international application. The Form PCT/RO/132 confirmed, therefore, that the international filing date remained 10 July 2008, and it indicated that the revised drawings filed on 11 September 2008 would be considered as a request for rectification under PCT Rule 91. The Form PCT/ISA/217 mailed on 23 February 2010 stated that, because the drawings submitted on 11 September 2008 included changes from the drawings contained in the present international application (i.e., the drawings filed on 10 July 2008), rectification of the drawings under PCT Rule 91 was not appropriate, and the drawings filed on 11 September 2008 would not be entered.

Also on 23 February 2010, the RO/US mailed in international application PCT/US2008/062307 an "Invitation To Correct Priority Claim And/Or Notification Of Possibility To Request Restoration Of The Right Of Priority" (Form PCT/RO/110) indicating that the two priority claims in the present application were defective for failure to fall within the period of twelve months preceding the 10 July 2008 international filing date.

On 18 March 2010, the RO/US mailed in international application PCT/US2008/062307 a "Notification Relating To Priority Claim" (Form PCT/RO/111) indicating that the priority claims in the international application were considered void.

On 12 March 2010, the "Petition Under 37 CFR 1.182 To Accord An 01 May 2008 Filing Date" was filed in the present national stage application. The petition requests that the USPTO accord the present national stage application a filing date of 01 May 2008, accept the drawings in the international application as having been properly incorporated by reference into the international application as filed, and acknowledge the priority claims to the prior-filed US provisional applications. In the alternative, the petition requests that the USPTO accord the application a filing date of 01 May 2008, without inclusion of the drawings, and that the Office authorize that the drawings be incorporated by reference into the national stage application in accordance with 37 CFR 1.57(a).[1]

DISCUSSION

A. The 10 July 2008 Request To Confirm Incorporation By Reference Of The Missing Drawings In PCT/US2008/062307 Was Considered And Properly Dismissed

The "Invitation Relating To Certain Parts Of The International Application That Are, Or Appear To Be, Missing" (Form PCT/RO/107) mailed 19 May 2008 informed applicant that the drawings referred to in the international application were not included with the application as filed. On 10 July 2008, applicant filed a "Response To The Invitation Relating To Certain Parts Of The International Patent Application That Are, Or Appear To Be, Missing" that included 15 sheets of drawings and a request that the drawings "be added to the originally filed application." The submission also requested confirmation of incorporation by reference of these drawings under PCT Rule 4.18, asserting that such drawings were contained in the two priority applications, U.S. application numbers 60/927,923 and 60/927,259.

PCT Rule 20.6 sets forth the procedure for confirming incorporation by reference in an international application. Pursuant to PCT Rule 20.6(a), any notice of incorporation by reference must include "a sheet or sheets embodying the entire element as contained in the earlier application or embodying the part concerned." Pursuant to PCT Rule 20.6(b), in order for the missing element to be treated as filed with the original application materials, the missing element or part sheets provided under PCT Rule 20.6(a) must be "completely contained in the earlier application concerned."

[1] It is noted that the petition also requests an oral hearing on the issues. As set forth in 37 CFR 1.181(e), oral hearing will not be granted on a petition except when considered necessary by the Director. Here, an oral hearing is not considered necessary at the present time. Accordingly, the request for an oral hearing is dismissed.

Applicant's request to confirm incorporation by reference of the 15 sheets of drawings submitted on 10 July 2008 was considered by the RO/US under PCT Rule 20.6; however, as set forth in the "Notification Of Decision Of Confirmation Of Incorporation By Reference Of Element Or Part" (Form PCT/RO/114), it was determined that the requirements of PCT Rules 4.18 and 20.6(a) had not been complied with and that the drawings were therefore not considered to have been contained in the international application as originally filed. Specifically, the Form PCT/RO/114 stated as follows:

> The drawings (sheet nos. 1/15 – 5/15) filed July 10 2008 are not completely contained in priority applications US 60/927,259, filed 01 May 2007, and US 60/927,293, filed 01 May 2007. Please note, for instance, figures with photographic images that are depicted differently from the priority application drawings.

The present petition raises a number of objections to this determination by the RO/US. Initially, petitioner asserts that the drawings filed 10 July 2008 are identical to those contained in the provisional applications (with the exception of formal, non-substantive changes like adding page numbers and the attorney docket number). However, the Form PCT/RO/114 did not indicate that the decision was based on the addition of page numbers or the like. Rather, the Form PCT/RO/114 stated that the contents of the drawings were not completely contained in the priority applications, noting specifically that figures with photographic images were depicted differently than in the provisional application. A comparison between the drawings submitted in the international application on 10 July 2008 and those contained in the USPTO application files for U.S. provisional application numbers 60/927,259 and 60/927,293 confirms the differences in the drawings referred to in the Form PCT/RO/114. For example, Figure 8 in the international application is a photograph of the results of a DNA analysis. The figure submitted by applicant contains a series of columns identified as "DNAs from 14 different transplants," and each column consists of a pattern of bands. However, the similarly captioned figure contained in the provisional application is blank (see US application number 60/927,259, page 18). The body of this figure contains none of the bands present in the version of this figure that applicant sought to incorporate by reference into the international application. The figure is therefore "not completely contained" in the provisional application, as required for confirmation of incorporation by reference under PCT Rule 20.6.

Under the terms of PCT Rule 20.6(b), the disparity in Figure 8, on its own, required rejection of the entire request for incorporation by reference in that the materials which applicant sought to incorporate by reference were not "completely contained" in the prior-filed applications. It is noted, however, that similar disparities are present in other figures filed by applicants on 10 July 2008. Some additional examples are Figures 7, 11, and 14, none of which correspond to the similarly captioned figures present in the provisional applications (see US application number 60/927,259, pages 17, 21, and 24, respectively).

The present petition also argues that the Form PCT/RO/114 was "vague" in that it did not specifically identify which of the filed drawings failed to correspond to the priority applications. However, as quoted above, the Form PCT/RO/114 specifically notes "figures with photographic images that are depicted differently from the priority application drawings." Though not specifically identified by number on the Form PCT/RO/114, examples of figures containing what

appear to be photographic images are Figures 7, 8, and 14, and, as discussed above, these figures contain evident differences from the corresponding drawings in the priority application files that would be readily apparent to applicant upon review. Moreover, the deadline for submission of acceptable drawings for confirmation of incorporation by reference had expired on 19 July 2008 (see PCT Rule 20.7(a)(i)). Thus, there was no need for the Form PCT/RO/114 dismissing applicant's request to catalog each individual disparity between the drawings filed on 10 July 2008 and those contained in the provisional applications, as the opportunity for correcting such disparities had already expired. In view of the above, the Form PCT/RO/114 provided applicant with a sufficient explanation of the basis on which the determination was based, and any "vagueness" in such description did not prejudice applicants.

The present petition also argues that a determination as to whether the drawings filed by applicants were "completely contained" in the priority applications required review by an examiner experienced in the relevant art to determine "whether the substance of the drawings ... were fairly found in the priority applications." However, PCT Rule 20.6(b) requires that the drawings be "completely contained" in the provisional applications, not that the "substance" of the drawings be present therein. The Rule does not require an inquiry as to whether the proposed drawings include new subject matter beyond that disclosed in the priority applications, but rather whether the drawings themselves are identical to drawings present in such applications. It is an objective review that does not require expertise in the relevant subject matter. As discussed in detail above, the disparity between some of the figures filed by applicants in the international application and those present in the priority applications is significant and readily apparent. In view of the above, petitioner's assertion that the drawings must be reviewed by an examiner before it can be determined whether the drawings are "completely contained" in the priority applications is rejected.

Another assertion raised in the present petition is that, because the USPTO had in its possession copies of the provisional applications, the RO/US could have resolved any disparities between the drawings filed by applicant and those contained in the provisional applications by making a copy of the provisional application drawings in its possession and adding them to the international application in accordance with the request to confirm incorporation by reference. However, any such action by the RO/US would have required the RO/US to disregard PCT Rule 20.6(a)(i), which requires the applicant to provide "sheets embodying the entire element," and would therefore have been inappropriate. See 35 U.S.C. 364(a): "International applications shall be processed by the Patent and Trademark Office when acting as a Receiving Office, International Searching Authority, or International Preliminary Examining Authority, in accordance with the applicable provisions of the treaty, the Regulations, and this title."

In sum, the request for confirmation of incorporation by reference filed in the international application on 10 July 2008 was appropriately considered and dismissed by the RO/US.

B. <u>The RO/US Was Correct To Include The Later Filed Drawings In The International Application And Correct The International Filing Date To 10 July 2008</u>

PCT Rule 20.6(c) states the following:

> Where the receiving Office finds that a requirement under Rule 4.18 or paragraph (a) has not been complied with or that the element or part referred to in paragraph (a) is not completely contained in the earlier application concerned, the receiving Office shall proceed as provided for in Rule 20.3(b)(i), 20.5(b) or 20.5(c), as the case may be.

PCT Rule 20.5(c) states the following:

> Where, following an invitation under paragraph (a) or otherwise, the applicant furnishes to the receiving Office, after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, a missing part referred to in paragraph (a) so as to complete the international application, that part shall be included in the international application, and the receiving Office shall correct the international filing date to the date on which the receiving Office received that part, notify the applicant accordingly, and proceed as provided for in the Administrative instructions.

PCT Rule 20.5(e) states the following:

> Where the international filing date has been corrected under paragraph (c), the applicant may, in a notice submitted to the receiving Office within one month from the date of the notification under paragraph (c), request that the missing part concerned be disregarded, in which case the missing part shall be considered not to have been furnished and the correction of the international filing date under that paragraph shall be considered not to have been made, and the receiving Office shall proceed as provided for in the Administrative Instructions.

Here, as discussed in detail above, the RO/US processed applicant's 10 July 2008 request to confirm incorporation by reference under PCT Rule 20.6 and determined that the proposed drawings were not completely contained in the earlier applications. Under such circumstances, PCT Rule 20.6(c) specifically states that the "receiving Office shall proceed as provided for in Rule 20.3(b)(i), 20.5(b) or 20.5(c), as the case may be." Of these three provisions, the applicable section here is PCT Rule 20.5(c).[2]

Pursuant to PCT Rule 20.5(c), the RO/US included the missing drawings in the international application and corrected the international filing date to 10 July 2008, the date on which the receiving Office received the drawings. This action was appropriately taken by the RO/US, and applicants were specifically informed of such treatment in the "Notification Concerning Later Submitted Parts Of An International Application" (Form PCT/RO/126) mailed

[2] Rule 20.3(b)(i) applies to defects under PCT Article 11(1), and Rule 20.5(b) applies where an applicant has submitted a missing part on or before the date on which all the requirements of PCT Article 11(1) are fulfilled. In the present case, applicant's 10 July 2008 submission of the missing drawings was made after the requirements of PCT Article 11(1) had been fulfilled.

04 September 2008. As required under PCT Rule 20.5(e), the Notification specifically stated (emphasis included):

> The applicant may, in a notice submitted to receiving Office within one month from the date of mailing of this notification, **request that the missing part concerned be disregarded**, in which case the missing part shall be considered not to have been furnished and the correction of the international filing date shall be considered not to have been made (Rule 20.5(c)).

In view of the above, it was proper under PCT Rules 20.6(c), 20.5(c), and 20.5(e) for the RO/US, having rejected applicant's request for confirmation of incorporation by reference, to include the drawings filed 10 July 2010 in the international application and correct the international filing date to 10 July 2010.

Throughout the present petition, applicant asserts that the RO/US action was improper because applicant had submitted the drawings as part of a request for confirmation of incorporation by reference; however, as made clear above, such a request does not preclude the receiving Office from acting to enter the missing drawings and correct the international filing date under PCT Rule 20.5(c). To the contrary, PCT Rule 20.6(c) specifically instructs the receiving Office to take such action if, as here, it determines that the submitted pages were not completely contained in the earlier application. Further support for the action of the RO/US is found in paragraph 205D of the PCT Receiving Office Guidelines, which reads as follows:

> "***Negative Finding.*** Where the receiving Office finds that not all the requirements of Rules 4.18 and 20.6(a) have been complied with or that the part concerned is not completely contained in the earlier application, the receiving Office issues Form PCT/RO/114 accordingly and treats the subsequently furnished sheets as if the incorporation by reference had not been confirmed and proceeds, after the expiration of the time limit under Rule 20.7, as described in Section 309(c)." [3]

In view of the above, applicant's argument that the RO/US improperly "ignored" or "disregarded" applicant's instructions by treating the drawings filed on 10 July 2008 under PCT Rule 20.5(c) is not supported by the applicable PCT Rules and Receiving Office Guidelines and is therefore rejected.

C. Applicant's 11 September 2008 Response Did Not Include An Instruction Under PCT Rule 20.5(e) To Disregard The Drawings And Reinstate The Original International Filing Date

Pursuant to PCT Rule 20.5(e), and as expressly set forth in the "Notification Concerning Later Submitted Parts Of An International Application" (Form PCT/RO/126) mailed 04 September 2008, if applicant objected to the RO/US treating the 10 July 2008 submission under PCT Rule 20.5(c), applicant had one month from the mail date of the Form PCT/RO/126 to "request that the missing part concerned be disregarded" and thereby have the original 01 May 2008 international filing date restored.

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[3] Section 309(c) of the PCT Administrative Instructions, referred to in the above quote, corresponds to PCT Rule 20.5(c).

On 11 September 2008, applicant filed a "Response To The Notification Concerning Later Submitted Parts Of An International Application." This submission was accompanied by a revised set of the 15 figures and requested that these drawings "replace the drawings of the originally filed application." This submission does not acknowledge or specifically respond to the decision rejecting applicant's request to confirm incorporation by reference contained in the "Notification Of Decision Of Confirmation Of Incorporation By Reference Of Element Or Part" (Form PCT/RO/114) mailed 04 September 2008. More significantly, the submission does not acknowledge or respond to the corrected international filing date accorded in the "Notification Concerning Later Submitted Parts Of An International Application" (Form PCT/RO/126), nor does it request that the later filed drawings be disregarded and the original international filing date reinstated.[4]

Applicant did not submit any further correspondence prior to the expiration of thirty days from the mailing of the "Notification Concerning Later Submitted Parts Of An International Application" (Form PCT/RO/126). Thus, applicant did not take advantage of the option provided under PCT Rule 20.5(e) and expressly emphasized in the Form PCT/RO/126 mailed 04 September 2008, to request that the later-filed drawings be disregarded and that the original international filing date be reinstated. Based on applicant's failure to timely make the required request under PCT Rule 20.5(e), the corrected international filing date of 10 July 2008 entered pursuant to PCT Rule 20.5(c) and set forth in the "Notification Concerning Later Submitted Parts Of An International Application" (Form PCT/RO/126) mailed 04 September 2008 became established as the applicable international filing date for the present application.

It is noted that the present petition argues that applicant was prejudiced by confusion resulting from errors or inconsistencies in the original publication of the international application (which did not include the drawings filed 10 July 2008 and set forth the original international filing date of 01 May 2008)[5] or subsequent forms mailed during the international phase, which continued to list the original international filing date. However, any such errors or inconsistencies cannot be relied on to change the appropriate international filing date properly applied to the international application by the receiving Office under the applicable PCT Rules, nor can they change the impact such international filing date has on the priority claims asserted herein. The applicable international filing date for an international application is that to which the application is properly entitled under the applicable PCT provisions and which has been properly accorded by the receiving Office, not an incorrect date mistakenly listed on subsequent communications from the International Bureau (IB) or others.[6]

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[4] The 11 September 2008 submission was made well after the expiration of the deadline set forth in PCT Rule 20.7 with respect to a request for confirmation of incorporation under PCT Rule 20.6, and it therefore was not considered as such a request. As set forth in the Forms PCT/RO/132 and PCT/ISA/217 mailed 23 February 2010, the drawings filed 11 September 2008 were subsequently considered under PCT Rule 91.1 and rejected. It is noted that, even if the 11 September 2008 submission were considered under PCT Rule 20.6(b), the figures included the same defects with respect to the drawings submitted that required applicant's 10 July 2008 request to be dismissed under PCT Rule 20.6.

[5] It is noted that the IB subsequently published a corrected version of the international application that properly identifies the international filing date as 10 July 2008 and which includes the 15 sheets of drawings first submitted by applicant on 10 July 2008.

[6] Applicant also argues that the "Invitation To Correct Priority Claim And/Or Notification Of Possibility To Request Restoration Of The Right Of Priority" (Form PCT/RO/110) mailed 23 February 2010 was delayed "until after all possible time limits for such correction or restoration were expired." However, the requirement that applicant

In view of the above, the record herein does not support the relief requested by applicants in the present petition, that is, correction of the international filing date to 01 May 2008, acceptance of the drawings in the international application as having been properly incorporated by reference into the international application as filed, and acknowledgement of the priority claims to the prior-filed US provisional applications. To the contrary, the record makes clear that, pursuant to the applicable PCT Rules and procedures, the international application was properly accorded an international filing date of 10 July 2008, that the drawings were not successfully incorporated by reference into the international application, and that consequently, the priority claims, which both fall more than twelve months prior to the international filing date, were defective and properly considered void.

Applicant's alternative request for relief, that is, according the application a filing date of 01 May 2008, without inclusion of the drawings, and authorizing that the drawings be incorporated by reference into the national stage application in accordance with 37 CFR 1.57(a), is also not appropriate herein. As discussed above, the deadline for applicant to request that the original 01 May 2008 international filing date be reinstated and the drawings disregarded was, pursuant to PCT Rule 20.5(e), one month after the mailing of the Form PCT/RO/126 in the international application, that is, 04 October 2008. Such a request is not properly granted at this later date in the national stage application.

CONCLUSION

The Petition Under 37 CFR 1.182 To Accord An 01 May 2008 Filing Date" is **DISMISSED** without prejudice.

The international filing date for the international application, PCT/US2008/062307, remains 10 July 2008.

The priority claims directed to U.S. provisional applications 60/927,293 and 60/927,259, filed 01 May 2007, are defective for failure to fall within the twelve months preceding the international filing date of the international application upon which this U.S. national stage application is based and are considered void.

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 1.182." No additional petition fee is required. Extensions of time under 37 CFR 1.136(a) are available.

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maintain an international filing date within one year of the priority date in order to have an effective priority date is not conditioned upon the applicant being provided notice of a defect in the priority claim. Moreover, as discussed in detail above, applicant was specifically and timely notified (in the Form PCT/RO/126 mailed 04 September 2008) as to what was required for applicant to reinstate the original international filing date, as necessary to maintain the priority claim.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 02 2010

PCT LEGAL ADMINISTRATION

Synthetic Genomics c/o MoFo
12531 High Bluff Drive, Suite 100
San Diego CA 92130

In re Application of: GLASS, John, I., et al. U.S. Application No.: 12/598,414 PCT No.: PCT/US2008/062307 International Filing Date: 01 May 2008 Claimed Priority Date: 01 May 2007 Attorney's Docket No.: 616872001000 For: METHODS OF GENOME INSTALLATION IN A RECIPIENT HOST CELL	DECISION ON RENEWED PETITION

This decision is issued in response to applicant's "Petition For Reconsideration Of 04 August 2010 Decision" filed 07 September 2010, treated herein as a renewed petition. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in detail in the decision mailed 04 August 2010. The decision found that the 04 September 2008 decision by the United States Receiving Office (RO/US) to dismiss applicants' 10 July 2008 request to confirm incorporation by reference in PCT/US2008/062307 was correctly decided. Specifically, the decision confirmed that the figures which applicants sought to enter into the international application were not completely contained in the USPTO's electronic application files for the two priority applications, U.S. application 60/927,259 and 60/927,293. The decision also found that the correction of the international filing date from 01 May 2008 to 10 July 2010 was appropriate under the facts presented.

On 07 September 2010, applicants filed the "Petition For Reconsideration Of 04 August 2010 Decision" considered herein as a renewed petition. The renewed petition asserts that the USPTO's electronic application files for priority applications 60/927,259 and 60/927,293 do not accurately reflect the figures filed in such applications. Applicants argue that the figures actually filed in the provisional applications are identical to the figures that were the subject of applicants' incorporation by reference request in PCT/US2008/062307. Applicants therefore assert that the request to confirm incorporation by reference of the figures into the international application should have been granted and the original international filing date of 01 May 2008 maintained.

DISCUSSION

Based on the materials included with the present renewed petition, the original papers filed by applicants in priority applications 60/927,259 and 60/927,293 were retrieved for review. A review of these documents confirms applicants' assertion that some of the figures in the electronic application file are not clear reproductions of the figures filed therein.

On review, it is concluded that the figures filed in PCT/US2008/062307 on 10 July 2008 as the subject of applicants' request to confirm incorporation by reference were "completely contained" in the original papers filed by applicant in the two U.S. provisional applications, as required to confirm incorporation by reference under PCT Rule 20.6. The request to confirm incorporation by reference filed on 10 July 2008 in the international application is therefore appropriately granted. Accordingly, pursuant to PCT Rule 20.6(b), the 15 figures filed in the international application on 10 July 2008 are treated as having been filed in such application on the date on which the international application materials were originally filed, that is 01 May 2008.

In view of the above, the correction of the international filing date in PCT/US2008/62307 from 01 May 2008 to 10 July 2008 pursuant to PCT Rule 20.5(c) is no longer applicable. The original international filing date of 01 May 2008 is therefore properly reinstated for international application PCT/US2008/062307.

Finally, the 01 May 2007 filing date of the two priority applications is within the twelve months preceding the reinstated 01 May 2008 international filing date. These priority claims are therefore not defective for failure to fall within the allowable twelve month period and are properly re-entered in the international application.

CONCLUSION

For the reasons discussed above, applicants' renewed petition under 37 CFR 1.182 is **GRANTED** to the following extent:

It is concluded that the request to confirm incorporation by reference filed on 10 July 2008 in PCT/US2008/062307 is appropriately granted. Accordingly, the 15 figures filed in PCT/US2008/062307 on 10 July 2008 are treated as having been included with the original international application materials filed on 01 May 2008. A corrected "Notification Of Decision Of Confirmation Of Incorporation By Reference Of Element Or Part" (Form PCT/RO/114) indicating that the request to confirm incorporation by reference is granted will be issued in the international application.

The "Notification Concerning Later Submitted Parts Of An International Application" (Form PCT/RO/126) mailed 04 September 2008, which indicated that the international filing date had been changed to 10 July 2008 based on the failure to successfully confirm incorporation by reference of the drawings filed on 10 July 2008, is hereby **VACATED**.

The original international filing date of 01 May 2008 is reinstated in the international application.

In view of the 01 May 2008 international filing date, the priority claims directed to U.S. provisional applications 60/927,293 and 60/927,259 (both filed on 01 May 2007) are not defective for failure to fall within the twelve months preceding the international filing date. The "Notification Relating To Priority Claim" (Form PCT/RO/111) mailed on 18 March 2010, which declared such priority claims void based on the inapplicable 10 July 2008 international filing date, is hereby appropriately **VACATED**. The priority claims remain in the international application.

A copy of this decision will be entered into the application filed for international application PCT/US2008/062307 and provided to the International Bureau.

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,

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3297
Facsimile: (571) 273-0459

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Synthetic Genomics c/o Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego CA 92130

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
John I. Glass et al.	:	
Application No. 12/598,414	:	DECISION ON PETITION
Filed: April 22, 2010	:	TO WITHDRAW
Attorney Docket No. 616872001000	:	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 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 James J. Mullen, III, on behalf of all attorneys/agents associated with customer number 84470. All attorneys/agents associated with customer number 84470 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Synthetic Genomics, Inc.
11149 North Torrey Pines Road, Suite 100
La Jolla, CA 92037

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
12/598,414	04/22/2010	John I. Glass	616872001000

CONFIRMATION NO. 9842

POWER OF ATTORNEY NOTICE

84470
Synthetic Genomics c/o Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130

OC000000048704660

Date Mailed: 07/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/28/2011.

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

/kainabinet/

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

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Kim, Jong Chul	:	DECISION ON PETITION
Application No. 12/598,415	:	TO WITHDRAW
Filed: October 30, 2009	:	FROM RECORD
Attorney Docket No. 63038/D646	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 4, 2010.

The request is **NOT APPROVED**.

The request submitted is currently not signed. As stated in 37 CFR 1.33(b), amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A patent practitioner of record appointed in compliance with § 1.32(b);

(2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Accordingly, as the request was not signed, it cannot be approved at this time.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Kim, Jong Chul	:	DECISION ON PETITION
Application No. 12/598,415	:	TO WITHDRAW
Filed: October 30, 2009	:	FROM RECORD
Attorney Docket No. 63038/D646	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 29, 2010.

The request is **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 Josephine E. Chang on behalf of all attorneys/agents of record who are associated with Customer Number 23363. All attorneys/agents associated with Customer Number 23363 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Jong Chul Kim, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JONG CHUL KIM
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345-1 YATAP-DONG BUNDANG-GU
SEONGNAM-SI, GYEONGGI-DO 463-8-28 KR KOREA, REPUBLIC OF

PTO/SB/20PCT-SE (06-11)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No:	12/598,427	Filing date:	October 31, 2009
First Named Inventor:	KRISTENSSON		
Title of the Invention:	Ventilating Device for Providing A Zone of Clean Air		

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/SE2008/050483

The international filing date of the corresponding PCT application(s) is/are: 28 April 2008

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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 PRV AND THE USPTO

(continued)

Application No.:	12/598,427
First Named Inventor:	KRISTENSSON

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on February 23, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on February 23, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-3, 5, 7, 10-24,	1-3, 5, 7, 10-24,	All listed U.S. application claims have been amended to delete
set forth in	respectively	multiple dependency, to change "characterized in that" to
Preliminary		"wherein" and/or to delete numerals. In addition,
Amendment		claims 1 and 5 have been amended to make these claims free
Filed May 26, 2010		of the observations described in Box VIII of the IPRP.

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

Signature Marvin Petry	Date October 11, 2011
Name (Print/Typed) Marvin Petry	Registration Number 22752

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.
12/598,427	05/26/2010	Dan Allan Robert Kristensson	P09970US00/MP	1098

881 7590 10/14/2011
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER
MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
3749	

NOTIFICATION DATE	DELIVERY MODE
10/14/2011	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):

iplaw@stites.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

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

In re Application of: KRISTENSSON, DAN ALLAN ROBERT et al Serial No.: 12/598,427 Filed: May 26, 2010 Attorney Docket No. : P09970US00/MP Title: VENTILATING DEVICE FOR PROVIDING A ZONE OF CLEAN AIR.	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Oct. 11, 2011 to make the above-identified application special.

The request and petition are **dismissed.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the PRV.
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PRV 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 PRV 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 PRV 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 IDS listing the documents cited by the PRV examiner in the HPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The Swedish PCT search opinion report does not show any positive search opinion regarding the patentability of claims 1-3, 5, 7 and 10-24. An Office action and/or search opinion showing the patentability of claims 1-3, 5, 7 and 10-24 are required.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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

RESPONSE TO DECISION DATED OCTOBER 14, 2011 ON A REQUEST TO PARTICIPATE IN PPH PROGRAM AND PETITION TO MAKE SPECIAL		
	Application #	12/598,427
	Confirmation #	1098
	Filing Date	October 31, 2009
	First Inventor	KRISTENSSON
	Art Unit	3749
	Examiner	McCallister, Steven B.
	Docket #	P09970US00/MP

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

S I R:

This is in response to the letter from the Special Programs Examiner dated October 14, 2011 denying Applicant's petition and allowing one month to correct deficiencies.

The only noted deficiency was an apparent omission of a Swedish PCT search opinion showing a positive search opinion regarding claims 1-3, 5, 7, and 10-24.

Although these alleged omissions were in fact properly included with the request, Applicant will clarify the matter at this time in order to expedite the granting of this petition.

The IPRP was filed in this application with an Information Disclosure Statement dated February 23, 2010. In Box V thereof, it is positively stated that all of the claims present therein, i.e., claims 1-30 are novel, are considered to involve inventive step, and that the invention is industrially applicable.

The observations of Box VIII were satisfied by the amendments made to the claims in the Third Preliminary Amendment which was filed concurrently with the present petition.

In view of the above, it is respectfully requested that this petition be granted.

Respectfully submitted,

STITES & HARBISON PLLC

Marvin Petry
Registration No. 22752

1199 North Fairfax Street, Suite 900
Alexandria, Virginia 22314
(703) 739-4900

November 1, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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STITES & HARBISON, PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

MAILED
JAN 23 2012
OFFICE OF PETITIONS

In re Application of	:
Kristensson, et. al.	: DECISION ON REQUEST TO
Application No.: 12/598,427	: PARTICIPATE IN THE PATENT
Filed: 26 May 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: P09970US00/MP	: PROGRAM AND PETITION
For: VENTILATING DEVICE FOR	: TO MAKE SPECIAL UNDER
PROVIDING A ZONE OF CLEAN AIR	: 37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

The request to participate in the 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 Andrea Smith at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
RAMESH KRISHNAMURTHY
for David Bucci
Petitions Examiner

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kyle E. Litz et al.

Examiner: Po, Ming Cheung

Serial No.: 12/598,474

Group Art Unit: 1771 / Conf. No. 1640

Filed: 4/23/2010

Docket No.: AUTE.6928US1-NY

Title: **PRODUCT CONTAINING MONOMER AND POLYMERS OF TITANYLS AND METHODS FOR MAKING SAME**

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

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)

Dear Sir:

This is a Petition to Make Special the above identified patent application. The basis for this petition is that the claimed invention will materially:

(i) Enhance the quality of the environment; or

(ii) Contribute to the development or conservation of energy resources.

Evidence of contribution to the development or conservation of energy resources is apparent by the uses for monomers and polymers of the Titanyl nano particles disclosed, which includes use in solar cell layers, reduction of sulfur content in fuels which decreases and mitigates air pollution, and the decontamination of fuel. *12/598,474 Application* at para. [0074], [0089], and [0097].

In view of the above, applicant requests that this Petition to Make Special be granted and the examination of the application be advanced.

Date: November 17, 2011

/Arlen L. Olsen/
Arlen L. Olsen
Registration No. 37,543
Customer No. 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
(518) 220-1850

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/598,474	04/23/2010	Kyle E. Litz	AUTE.6928US1	1640

5409 7590 12/23/2011
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER
PO, MING CHEUNG

ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
12/23/2011	PAPER

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

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

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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

12/23/2011

In re Application of	:	
Kyle E. Litz et al.	:	DECISION ON PETITION
Application No. 12/598,474	:	TO MAKE SPECIAL UNDER
Filed: November 02, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. AUTE.6928US1	:	PILOT PROGRAM

The Petition to Make Special under 37 CRF 1.102(c) filed on November 17, 2011 is being treated as a petition under the Green Technologies pilot program. It is noted that the USPTO revised the Petition to Make Special practice effective August 25, 2006 to discontinue the quality of environment and development/conservation of energy resources eligibilities (see Federal Register, Vol. 71, No. 122, pages 36323-36327, 06/26/2006). On December 8, 2009, the USPTO began a Green Technologies pilot, which is detailed on the USPTO's web site at: http://www.uspto.gov/patents/init_events/green_tech.jsp and in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010), 75 Federal Register Notice 69049 (November 10, 2010) and 76 Federal Register Notice 77979 (December 15, 2011).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

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

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

The petition lacks items (5) and (8). Regarding item (5), the petition did not include a statement that the applicant agrees to make a telephonic election without traverse if a restriction requirement is made by the examiner. Regarding item (8), the applicant did not request early publication and the publication fee as set forth in 37 CFR 1.18(d) has not been received.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action in its regular turn.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kyle E. Litz et al. Examiner: Po, Ming Cheung

Serial No.: 12/598,474 Group Art Unit: 1771 / Conf. No. 1640

Filed: 4/23/2010 Docket No.: AUTE.6928US1-NY

Title: **PRODUCT CONTAINING MONOMER AND POLYMERS OF TITANYLS AND METHODS FOR MAKING SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)-
REQUEST FOR RECONSIDERATION

Dear Sir:

This is a request for reconsideration of the Decision of Dismissal (hereinafter the "Decision") of the *Petition to Make Special* (hereinafter the "Petition") mailed December 23, 2011. The Petition was filed on November 17, 2011, to advance the above identified patent application out of turn for examination and expedite the prosecution thereof. The Decision sets forth the requirement for qualifying for special status:

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; 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 reductionThe basis for this petition under 37 CFR § 1.102(c) is that the claimed invention will materially:

(i) Enhance the quality of the environment; and/or

(ii) Contribute to the development or conservation of energy resources;

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 a first Office Action appears in the PAIR system; and

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 Decision indicates that Applicants lack items 5), and 8), and although not expressly mentioned in the Decision, Applicants also lack item 1), according to the required items laid out in the Decision. Therefore, Applicants have satisfied items 2), 3), 4), 6), and 7). To satisfy items 1) and 8), Applicants attach/submit the following documents to the Office:

1) a copy of a preliminary amendment to be filed concurrently with this request, evidencing the that application contains no more than 3 independent claims, and a total of 20 or less claims; and

2) a copy of a request for early publication under 37 CFR 1.219 to be filed concurrently with this request, including the publication fee as set forth under 37 CFR 1.18(d).

Additionally, to satisfy item 5), Applicants hereby agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the Examiner.

CONCLUSION

Applicants believe that this request for reconsideration and the referenced attachments satisfy all criteria set forth by the Office. Therefore, Applicant respectfully requests reconsideration of the Decision, and that the Office should grant the Petition. Should the Office have any further questions, or requirements, Applicants encourage the personnel handling this matter to contact Applicants representatives listed below. Furthermore, should any fees arise in connection with this request for reconsideration, the Director is authorized to charge Deposit Account No. 19-0513.

Date: January 23, 2012

/Arlen L. Olsen/
Arlen L. Olsen
Registration No. 37,543
Customer No. 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
(518) 220-1850

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.
12/598,474	04/23/2010	Kyle E. Litz	AUTE.6928US1	1640

5409 7590 01/30/2012
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER
PO, MING CHEUNG

ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
01/30/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1/30/12

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

In re Application of	:	
Kyle E. Litz et al.	:	DECISION ON PETITION
Application No. 12/598,474	:	TO MAKE SPECIAL UNDER
Filed: November 02, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. AUTE.6928US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 23, 2012, 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), 75 Federal Register Notice 69049 (November 10, 2010) and 76 Federal Register Notice 77979 (December 15, 2011).

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.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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P.O. Box 1450
Alexandria, VA 22313-1450
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13 AUG 2010

Morris Manning Martin LLP
3343 Peachtree Road, NE
1600 Atlanta Financial Center
Atlanta, GA 30326

In re Application of	:	
RYAN et al.	:	
Application No.: 12/598,602	:	
PCT No.: PCT/AU2008/000629	:	
Int. Filing Date: 05 May 2008	:	
Priority Date: 04 May 2007	:	DECISION ON PETITION
Attorney Docket No.: 22224/73071	:	
For: VEHICLE WITH A VARIABLE DRIVER POSITION	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 29 June 2010 to accept the application without the signature of joint-inventors, John Ryan, Damien Moore, and Graham Vought.

BACKGROUND

On 05 May 2008, applicants filed international application PCT/AU2008/000629. 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, 04 November 2009.

On 03 November 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; an application data sheet (ADS); and a preliminary amendment.

On 02 March 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 07 April 2010, applicants filed "Petition under 37 CFR 1.47(a)." In a decision dated 04 May 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 29 June 2010, applicants filed "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, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2) above, petitioner asserts that John Ryan, Graham Vought and Damien Moore have refused to execute the application or cannot be reached after diligent effort

a. John Ryan and Graham Vought

Here, the evidence submitted to demonstrate the refusal John Ryan and Graham Vought to execute the application papers is contained in the "Statement of Facts Regarding Refusal or Unavailability of Non-Signing Inventors under 37 CFR 1.47(a)" (Statement) of attorney Neal Schutte included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement.

b. Damien Moore

Regarding item (2), the petition asserts that the nonsigning inventor cannot be reached or located after diligent effort. In support of this assertion, applicants have submitted statements from Neal Schutte, describing efforts made to locate the nonsigning inventor (Damien Moore), including online searches. Further, petitioner has provided evidence that the mailing of the application was attempted but was returned to sender. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known addresses of the nonsigning inventors. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by one of the four inventors and including an unsigned signature boxes identifying the nonsigning inventors (John Ryan, Damien Moore and Graham Vought). This declaration is treated as having been executed by

the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 05 May 2008 under 35 U.S.C. 363, and a date of 07 April 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(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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13 AUG 2010

Graham Vought
74 Hughes Lane
Marrangaroo, New South Wales 2790
Australia

In re Application of
RYAN et al.
Application No.: 12/598,602
PCT No.: PCT/AU2008/000629
Int. Filing Date: 05 May 2008
Priority Date: 04 May 2007
Attorney Docket No.: 22224/73071
For: VEHICLE WITH A VARIABLE DRIVER POSITION

Dear Graham Vought

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:
Morris Manning Martin LLP
3343 Peachtree Road, NE
1600 Atlanta Financial Center
Atlanta, GA 30326

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13 AUG 2010

Damien Moore
8 Callen Street
Stockton, New South Wales 2295
Australia

In re Application of
RYAN et al.
Application No.: 12/598,602
PCT No.: PCT/AU2008/000629
Int. Filing Date: 05 May 2008
Priority Date: 04 May 2007
Attorney Docket No.: 22224/73071
For: VEHICLE WITH A VARIABLE DRIVER POSITION

Dear Damien Moore:

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:
Morris Manning Martin LLP
3343 Peachtree Road, NE
1600 Atlanta Financial Center
Atlanta, GA 30326

13 AUG 2010

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Alexandria, VA 22313-1450
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John Ryan
2 Eleventh Avenue
Millfield, New South Wales 2325
Australia

In re Application of
RYAN et al.
Application No.: 12/598,602
PCT No.: PCT/AU2008/000629
Int. Filing Date: 05 May 2008
Priority Date: 04 May 2007
Attorney Docket No.: 22224/73071
For: VEHICLE WITH A VARIABLE DRIVER POSITION

Dear John Ryan:

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:
Morris Manning Martin LLP
3343 Peachtree Road, NE
1600 Atlanta Financial Center
Atlanta, GA 30326

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 02 2011

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ARTHUR JACOB
25 EAST SALEM STREET
P.O. BOX 686
HACKENSACK NJ 07602

In re Application of: LUSSEY, David, et al.	:	
U.S. Application No.: 12/598,614	:	DECISION ON PETITION
PCT No.: PCT/GB2008/050323	:	(37 CFR 1.137(b))
International Filing Date: 02 May 2008	:	
Priority Date: 04 May 2007	:	
Attorney's Docket No.: A-09.59	:	
For: POLYMER COMPOSITION	:	

The petition for revival under 37 CFR 1.137(b) filed 17 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/GB2008/050323 became abandoned with respect to the United States at midnight on 04 November 2009 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.[1] The abandonment was confirmed in a "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 25 February 2010.

The petition for revival under 37 CFR 1.137(b) was accompanied by payment of the petition fee and the "required reply" in the form of payment of the basic national fee. 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. Accordingly, the request to revive the application is appropriately 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 17 March 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

[1] Applicants filed materials to initiate the present national stage application on 03 November 2009; however, as evidenced by the Electronic Acknowledgement Receipt, the submission did not include a fee payment.

1 4 SEP 2010

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OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
ADAM, Guillaume, et al.	:	
Application No.: 12/598,640	:	DECISION
PCT No.: PCT/FR2008/050755	:	
Int. Filing Date: 25 April 2008	:	ON PETITION UNDER
Priority Date: 03 May 2007	:	
Docket No.: 350410US41X PCT	:	37 CFR 1.47(a)
For: INTERNAL COMBUSTION ENGINE	:	
COOLING UNIT	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 08 July 2010.

BACKGROUND

On 08 March 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) was required.

On 08 July 2010, applicants filed this petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) have been met. The $200 petition fee will be charged to deposit account no. 15-0030. Applicant states the last known address of Guillaume Adam as 12 rue de Tolbiac; Paris, F-75013; France. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicant's attempt to locate a valid address for the inventor was an internet search including his last known address. This was poorly conceived to locate a new valid address for the inventor. Further internet searches with a broader scope are required.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAR 28 2011

PCT LEGAL ADMINISTRATION

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
ADAM, Guillaume, et al.	:	
Application No.: 12/598,640	:	DECISION
PCT No.: PCT/FR2008/050755	:	
Int. Filing Date: 25 April 2008	:	ON PETITION UNDER
Priority Date: 03 May 2007	:	
Docket No.: 350410US41X PCT	:	37 CFR 1.47(a)
For: INTERNAL COMBUSTION ENGINE	:	
COOLING UNIT	:	

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 14 January 2011.

BACKGROUND

On 14 September 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 14 January 2011, applicants filed this renewed petition under 37 CFR 1.47(a), accompanied by 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.

Item (1), (3) and (4) have been met. Applicant states the last known address of Guillaume Adam as 12 rue de Tolbiac; Paris, F-75013; France.

Item (2) has now been satisfied. Applicants have documented further attempts to locate a valid current address for the inventor, but applicants have not been able to do so.

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 **08 July 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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MAILED

MAR 28 2011

PCT LEGAL ADMINISTRATION

Guillaume Adam
12 rue de Tolbiac
Paris, F-75013
France

In re Application of
ADAM, Guillaume, et al.
Application No.: 12/598,640
PCT No.: PCT/FR2008/050755
Int. Filing Date: 25 April 2008
Priority Date: 03 May 2007
Docket No.: 350410US41X PCT
For: INTERNAL COMBUSTION ENGINE COOLING UNIT

Dear Mr. Adam:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

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.
12/598,666	11/03/2009	Myoung-Hwan Oh	3570-111	2373

6449 7590 11/07/2011
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER
PARVINI, PEGAH

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

11/7/11

BC

In re application of Myoung-Hwan Oh et al. Serial No. 12/598,666 Filed: November 03, 2009 Attorney Docket No: 3570-111	: : : : : :	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

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P.O. Box 1450
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PAUL LEGAARD
PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN, PA 19312-1183

MAILED
DEC 15 2010
PCT LEGAL ADMINISTRATION

In re Application of:	:	
NISSIM, Ahuva	:	DECISION
Application No.: 12/598,671	:	
PCT Application No.: PCT/GB2008/001526	:	
Int. Filing Date: 02 May 2008	:	UNDER
Priority Date: 03 May 2007	:	
Atty Docket No.: 133088.2201 (P42632US)	:	
For: NOVEL ANTIBODY AND USE IN DIAGNOSIS	:	37 CFR § 1.181
AND THERAPY OF ANTHROPATHIES	:	

This is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181 – NOTIFICATION OF MISSING REQUIREMENTS NOT RECEIVED" filed on 22 September 2010. No petition fee is required.

BACKGROUND

On 02 May 2008, applicant submitted international application PCT/GB2008/001526, which claimed priority to a prior application filed 03 May 2007.

On 30 December 2009, The United States national stage office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMETNS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (Form DO/EO/US) informing applicants of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 17 September 2010, applicants were mailed a Notification of Abandonment (Form PCT/DO/EO/909) informing applicants that applicants had failed to respond to the Form PCT/DO/EO/905 mailed on 30 December 2009 within the time period set therein and that the above identified application was abandoned as to the United States.

On 22 September 2010, applicants filed the petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides the grounds that an Office action was not received:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicants have satisfied the items listed above to show that the Form PCT/DO/EO/905 mailed was not received. Applicants have provided a statement from counsel explaining the firm's docketing system, as well as, avowing that the Form PCT/DO/EO/905 was not received. Applicants have additionally included a log of items received from the USPTO from 27 February 2010 to 01 March 2010.

Based on the above, the present submission does satisfy the requirement of MPEP 711.03(c).

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 17 September 2010 is hereby **VACATED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 17 September 2010 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including the mailing of a new form PCT/DO/EO/905.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557
Fax: (571) 273-0459

Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/598,682	04/14/2010	Yoshinori Ishikawa	062807-0617	2521

20277 7590 08/05/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
NGUYEN, HOA T

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
08/05/2011	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):

mweipdocket@mwe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	**: DECISION ON REQUEST TO**
ISHIKAWA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/598,682	**: PROSECUTION HIGHWAY**
Filed: 14 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 062807-0617	**: TO MAKE SPECIAL UNDER**
For: MULTILAYER OPTICAL DISC	**: 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 29 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
   ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (6).

Regarding the requirement of condition (6), applicant has failed to cite and provide copies of JP-A-H08-96406, JP-A-2004-14017, JP-A-2004-71046, and JP-A-2005-18919 which were cited by the JPO examiner in the action dated 27 July 2010.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist – TC 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/598,682	04/14/2010	Yoshinori Ishikawa	062807-0617	2521

20277 7590 09/02/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
DANIELSEN, NATHAN ANDREW

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/02/2011	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):

mweipdocket@mwe.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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	**: DECISION ON REQUEST TO**
ISHIKAWA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/598,682	**: PROSECUTION HIGHWAY**
Filed: 14 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 062807-0617	**: TO MAKE SPECIAL UNDER**
For: MULTILAYER OPTICAL DISC	**: 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 29 July 2011 and renewed on 31 August 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 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

OCT 3 1 2011

OFFICE OF PETITIONS

In re Patent No. 8,034,596 :
Issued: October 11, 2011 :
Application No. 12/598,694 : ON PETITION
Filed: November 3, 2009 :
Attorney Docket Number: 081356-0224 :

This is a decision on the petition, filed October 20, 2011, under 37 CFR 3.81(b)[1] to correct the assignee information on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the name of a second assignee was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee in the instant matter. Accordingly, petitioner requests that a certificate of correction be issued to reflect the names of NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE & TECHNOLOGY, TOKYO (JP) and TSUKISHIMA KIKAI CO., LTD., TOKYO (JP) on the front page of the Letters Patent.

In view thereof, and since Office assignment records reflect that NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE & TECHNOLOGY, TOKYO (JP) and TSUKISHIMA KIKAI CO., LTD., TOKYO (JP) are the assignees of record, the request complies with the provisions of 37 CFR 3.81(b) and it is therefore appropriate for a certificate of correction to issue.

The petition fee in the amount of $130.00 and the fee for the certificate of correction in the amount of $100 have been applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] *See* Official Gazette of June 22, 2004

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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HONIGMAN MILLER SCHWARTZ & COHN LLP/IRON
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO, MI 49007-3800

MAILED
AUG 18 2011
OFFICE OF PETITIONS

Applicants: Currie, et al.
Appl. No.: 12/598,792
International Filing Date: April 23, 2008
Title: COMPOSITIONS AND METHODS FOR TREATING DISORDERS ASSOCIATED WITH SALT OR FLUID
Attorney Docket: 223355/051PCT1US/128847
Pub. No.: US 2010/0215779 A1
Pub. Date: August 26, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 25, 2010, for the above-identified application.

The request is 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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United States Patent and Trademark Office
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MAILED

MAR 28 2011

OFFICE OF PETITIONS

FOLEY HOAG, LLP
Patent Group
World Trade Center West
155 Seaport Blvd.
Boston, MA 02110

In re Application of	:	
Vladimir Malinin	:	
Application No. 12/598,830	:	DECISION ON PETITION
Filed: April 7, 2010	:	TO WITHDRAW
Attorney Docket No. TRA-053.01	:	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 10, 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 Beth E. Arnold 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: **Transave, Inc.**
Princeton Corporate Plaza IV
11 Deer Park Drive, Suite 117
Monmouth Junction, NJ 08852

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/598,830	04/07/2010	Vladimir Malinin	TRA-053.01

CONFIRMATION NO. 3980

POWER OF ATTORNEY NOTICE

25181
FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

OC000000046741419

Date Mailed: 03/24/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/10/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

MAILED
NOV 19 2010
PCT LEGAL ADMINISTRATION

In re Application of ZAPF	:	
U.S. Application No.: 12/598,848	:	
PCT Application No.: PCT/EP2007/004895	:	DECISION
Int. Filing Date: 01 June 2007	:	
Attorney Docket No.: 1033300-000232	:	
For: METHOD FOR CONNECTING TWO JOINING PARTNERS	:	

This is in response to applicant's petition under 37 CFR 1.181 filed 11 October 2010.

BACKGROUND

On 01 June 2007, applicant filed international application PCT/EP2007/004895. A copy of the international application was communicated to the USPTO from the International Bureau on 11 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2009.

On 04 November 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, applicant filed a request for refund of excess claims fees charged to applicant's deposit account.

On 26 March 2010, the USPTO mailed a decision denying applicant's 22 February 2010 request.

On 14 May 2010, applicant filed a renewed request for refund.

On 11 August 2010, the USPTO mailed a decision denying applicant's 14 May 2010 renewed request.

On 11 October 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition renews applicant's request for a refund of excess claims fees.

MPEP 1893.01(c) states in relevant part,

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate 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 MPEP § 607 and § 608. (Emphasis added.)

In the present case, applicant filed a preliminary amendment accompanying the initial national stage submission which was effective to eliminate several multiple dependent claims. However, this initial preliminary amendment did not eliminate multiple dependent claim number 42 as noted in the decision mailed 26 March 2010. A subsequent preliminary amendment filed on 14 May 2010 eliminated the remaining multiple dependency. However, as set forth in MPEP 1893.01(c), an amendment filed subsequent to the initial national stage submission will not entitle applicant to a refund of fees previously paid. Accordingly, a refund of excess claims fees would not be appropriate in the present case, regardless of whether applicant intended to eliminate all multiple dependent claims in the initial preliminary amendment.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 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. 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.

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.
12/598,857	11/04/2009	Tadafumi Yoshida	Q115445	4170

23373 7590 03/02/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
LEUNG, QUYEN PHAN

ART UNIT	PAPER NUMBER
2834	

NOTIFICATION DATE	DELIVERY MODE
03/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	**: DECISION ON REQUEST TO**
YOSHIDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/598,857	**: PROSECUTION HIGHWAY**
Filed: 04 November 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: Q115445	**: TO MAKE SPECIAL UNDER**
For: DRIVING MECHANISM	**: 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 20 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

MAILED
APR 04 2011
OFFICE OF PETITIONS

Applicant: Miyata et al.
Appl. No.: 12/598,904
International Filing Date: April 25, 2008
Title: MOLECULE-RESPONSIVE GEL PARTICLES, METHOD OF PRODUCTION OF THE SAME, AND USE THEREOF
Attorney Docket: HLF0002/US
Pub. No.: US 2010/0136706 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 July 30, 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 1.

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The published claim 1 mistakenly listed the formula "(RO)n" as (RO) in one instant. The error is due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition, as the text is small and distorted. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and

[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).

contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

The preliminary amendment appears to be improper as much of the text in claim 1 does not appear in the original claims. The clause beginning with "the polymer gel particles" to the end does not appear in original claim 1.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

MAILED
MAR 28 2012
OFFICE OF PETITIONS

In re Application of	:
Takashi Miyata, et al.	: DECISION ON REQUEST TO
Application No.: 12/598,904	: PARTICIPATE IN THE PATENT
Filed: 04 November 2009	: PROSECUTION HIGHWAY
Attorney Docket No.: HLF0002/US	: PROGRAM AND PETITION
For: MOLECULE-RESPONSIVE GEL	: TO MAKE SPECIAL UNDER
PARTICLES, METHOD OF	: 37 CFR 1.102(a)
PRODUCTION OF THE SAME, AND	:
USE THEREOF	:

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 31 January 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

DISCUSSION

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim, or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

3. Examination of the U.S. application has not begun;

4. Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or

ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

5. Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-4) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions 5a and 5b.

Regarding the requirement of condition 5a - Applicant indicates that an information disclosure statements listing the documents cited in the JPO Office actions were filed on 11/4/2009, 3/2/2011 and 3/24/2001; however, a review of the stated information disclosure statements failed to include a listing all of the cited references.

Regarding the requirement of condition 5b - Applicant indicates that copies of the documents were filed on 11/4/2009, 3/2/2011 and 3/24/2001; however, applicant has failed to submit copies of all the references, except U.S. patents or U.S. patent application publications, cited in the JP office action.

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 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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/598,952	11/05/2009	Gordon David Sherrer	21307-101	5227

47234 7590 09/10/2010
LAW OFFICES OF KHALILIAN SIRA, LLC
9100 PERSIMMON TREE ROAD
POTOMAC, MD 20854

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
09/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF KHALILIAN SIRA, LLC
9100 PERSIMMON TREE ROAD
POTOMAC MD 20854

Applicant: Sherrer
Appl. No.: 12/598,952
Filing Date: November 5, 2009
Title: SYSTEM AND METHOD FOR EXTRACTING POWER FROM FLUID USING A TESLA-TYPE BLADELESS TURBINE
Attorney Docket No.: 21307-101
Pub. No.: US 2010/0129193 A1
Pub. Date: May 27, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 23, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 09/10/2010 KKING1
08/23/2010 INTEFSW 00008322 503943 12598952
01 FC:1504 300.00 CR

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United States Patent and Trademark Office
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OCT 07 2010

PCT LEGAL ADMINISTRATION

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of:
WEISSACHER, et al.
U.S. Application No.: 12/598,984
PCT No.: PCT/US2008/005906
International Filing Date: 06 May 2008
Priority Date: 07 May 2007
Attorney Docket No.: ITC-355US
For: CRADLE AND CABLE HANDLER FOR A TEST HEAD MANIPULATOR

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the "Renewed Petition To Permit Filing On Behalf Of Non-Signing Inventors Under 37 C.F.R. § 1.47(a)" filed 09 August 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 13 May 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), indicating that applicants had failed to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventors refused to execute the application or cannot be located after diligent effort.

On 09 August 2010, applicants filed the renewed petition considered herein (with the required one-month extension fee).

DISCUSSION

The renewed petition was accompanied by a declaration executed by previously non-signing inventor Herman Jose WEISSACHER. The petition is therefore moot with respect to this inventor.

The two remaining non-signing inventors who are the subject of this renewed petition are Benoit Jean Michel GOEURIOT and Wei GUAN. With respect to inventor GOEURIOT, the petition argues that the inventor cannot be located after diligent effort. 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 previous petition indicated that attempts to deliver a signature request to the inventor via email and Federal Express were unsuccessful, as the addresses used were no longer current. The present petition asserts that Ms. Camy Ispas (an attorney with a German law firm) subsequently conducted an unsuccessful search for a current address for this inventor; however, applicants have not provided a firsthand statement from Ms. Ispas, with supporting documents, providing the required confirmation and details of such efforts. The petition also refers to an unsuccessful Google search performed by petitioner, but the results of such search have not been made of record. In view of the above, the present petition does not provide an acceptable showing that non-signing inventor Benoit Jean Michel GOEURIOT cannot be located after diligent effort.

With respect to non-signing inventor Wei GUAN, the petition attempts to show that the inventor has constructively refused to execute the application. MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from Daniel J. Graham, with supporting documents, indicating that a request for signature, accompanied by a copy of the declaration, was forwarded to the inventor's last known email address and, via Federal Express, to his last known address, and that the inventor has not provided the requested declaration in response to such requests. However, the petition does not indicate that a copy of the complete application (specification, claims, and drawings) was included with such requests, as required (it appears that only a declaration and assignment document were forwarded to the inventor). Moreover, the petition refers to a new address for inventor Wei GUAN identified by Federal Express, but such address has not been provided. Before it can be concluded that this inventor has refused to execute the application, applicants must provide adequate supplemental materials, including a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the

complete application, has been delivered to the non-signing inventor at his last known address, and that the inventor has refused to provide the requested signature in response to such request.

In view of the above, the present renewed petition does not include an acceptable showing that inventors Benoit Jean Michel GOEURIOT and Wei GUAN have refused to execute the application or cannot be located after diligent effort. This final element of a grantable petition under 37 CFR 1.47(a) therefore remains unsatisfied on the present record.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the materials required to satisfy the final element of a grantable petition, as discussed above and in the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 08 2011

PCT LEGAL ADMINISTRATION

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of: WEISSACHER, et al.	:	
U.S. Application No.: 12/598,984	:	
PCT No.: PCT/US2008/005906	:	DECISION ON SECOND
International Filing Date: 06 May 2008	:	RENEWED PETITION UNDER
Priority Date: 07 May 2007	:	37 CFR 1.47(a)
Attorney Docket No.: ITC-355US	:	
For: CRADLE AND CABLE HANDLER	:	
FOR A TEST HEAD MANIPULATOR	:	

This decision is issued in response to the "Second Renewed Petition To Permit Filing On Behalf Of Non-Signing Inventors Under 37 C.F.R. § 1.47(a)" filed 07 February 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 13 May 2010 and 07 October 2010. The decisions dismissed without prejudice applicants' petition under 37 CFR 1.47(a), indicating that applicants had failed to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that non-signing inventors Benoit Jean Michel GOEURIOT and Wei GUAN refuse to execute the application or cannot be located after diligent effort.

On 07 February 2011, applicants filed the second renewed petition considered herein (with the required two-month extension fee).

DISCUSSION

The two remaining non-signing inventors who are the subject of this second renewed petition are Benoit Jean Michel GOEURIOT and Wei GUAN.

With respect to inventor GOEURIOT, the petition argues that the inventor cannot be located after diligent effort. The present renewed petition includes supplemental materials providing firsthand and documentary confirmation of the efforts made to locate inventor GOEURIOT, including firsthand statements from Camy Ispas and Glenn M. Massina and the results of the unsuccessful internet searches conducted to locate this inventor. These materials, in combination with those previously submitted, provide an acceptable showing that non-signing inventor Benoit Jean Michel GOEURIOT cannot be located after diligent effort.

With respect to non-signing inventor Wei GUAN, the petition argues that the inventor has constructively refused to execute the application. The present renewed petition includes supplemental materials regarding efforts to obtain the signature of inventor GUAN, including a supplemental statement from Daniel J. Graham, with documentary support, providing firsthand confirmation that a signature request, accompanied by a copy of the application, was delivered to this inventor at his current address and that the inventor has not provided the requested signed declaration in response to such request. These materials, in combination with those previously submitted, provide an acceptable showing that non-signing inventor Wei GUAN has refused to execute the application.

Based on the above, applicants have now satisfied the final outstanding requirements of a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signatures of co-inventors Benoit Jean Michel GOEURIOT and Wei GUAN.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventors of the application will be forwarded to the last known addresses of the non-signing inventors, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 August 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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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APR 08 2011

PCT LEGAL ADMINISTRATION

Benoit Jean Michel GOEURIOT
Ludwig Thomas Str. 2b
Aschau im Chiemgau D-83229
GERMANY

In re Application of: WEISSACHER, et al.
U.S. Application No.: 12/598,984
PCT No.: PCT/US2008/005906
International Filing Date: 06 May 2008
Priority Date: 07 May 2007
Attorney Docket No.: ITC-355US
For: CRADLE AND CABLE HANDLER FOR A TEST HEAD MANIPULATOR

Dear Mr. GOEURIOT:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Glenn M. Massina
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

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APR 08 2011

PCT LEGAL ADMINISTRATION

Wei GUAN
14 Ambergerstr.
Garching D-81679
GERMANY

In re Application of: WEISSACHER, et al.
U.S. Application No.: 12/598,984
PCT No.: PCT/US2008/005906
International Filing Date: 06 May 2008
Priority Date: 07 May 2007
Attorney Docket No.: ITC-355US
For: CRADLE AND CABLE HANDLER FOR A TEST HEAD MANIPULATOR

Dear Mr. GUAN:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Glenn M. Massina
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07 OCT 2010

76444
SETTER ROCHE LLP
P.O. Box 780
Erie, CO 80516

In re Application of
PRIEWASSER *et al*
U.S. Application No.: 12/599,025
PCT No.: PCT/EP2008/003718
Int. Filing Date: 08 May 2008
Priority Date: 08 May 2007
Attorney Docket No.: 335.0129
For: ANTI-CORROSION SYSTEM FOR METALS AND PIGMENT THEREFOR

DECISION

This decision is in response to the "Request for Correction of Notice of Acceptance of Application . . . and Filing Receipt" mailed on 03 August 2010, which is treated as a petition under 37 CFR 1.181 and **GRANTED** as follows:

Applicants claim that the international filing date of the PCT application listed on the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt mailed on 29 July 2010 is wrong.

The Form PCT/DO/EO/903 and filing receipt record the international filing date as 05 May 2008. However, international records show that the international filing date for PCT/EP2008/003718 is 08 May 2008.

Therefore, the Form PCT/DO/EO/903 and filing receipt contain erroneous information and are both hereby **VACATED**.

This application is being forwarded to DO/EO/US to issue a corrected Form PCT/DO/EO/903 and filing receipt listing the proper international filing date for the underlying PCT application (PCT/EP2008/003718).

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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.
12/599,032	11/05/2009	Jae Hwa Jhin	5038-092742	6237

28289 7590 08/22/2011
THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

EXAMINER
NEUDER, WILLIAM P

ART UNIT	PAPER NUMBER
3672	

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):

patents@webblaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 19 2011

Commissioner for Patents
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THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH PA 15222

In re application of Jhin et al Application No. 12/599,032 Filed: November 05, 2009 For: CORE CATCHER AND CORER HAVING IT	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 23, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO, application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of 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.

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Non Final Office action was mailed on August 10, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/19/11

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22850
OBLON, SPIVAK, MACCLELLAND MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

MAILED
JUN 02 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SCHEUERMANN *et al* :
Application No.: 12/599,045 :
PCT No.: PCT/DE2008/000783 :
Int. Filing Date: 08 May 2008 :
Priority Date: 08 May 2007 :
Attorney Docket No.: 350110US6XPCT :
For: MESS-SENSOR :

DECISION

This is a decision on the declaration filed on 21 October 2010 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 11 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond with extensions of time available.

On 21 October 2010, applicants filed a response which was accompanied by, *inter alia*, a declaration executed by seven of the eight named inventors and by a legal representative on behalf of a deceased inventor along with a supplemental Application Data Sheet.

On 11 November 2010, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt stating that applicants completed all 35 U.S.C. 371 requirements on 21 October 2010.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

A review of the declaration filed 21 October 2010 shows that the citizenship, residence and address of the legal representative are listed pursuant to 37 CFR 1.497(b)(2). In addition, the citizenship information for all inventors including the

deceased inventor is provided as required by 37 CFR 1.497(a)(3).

It is also noted that the declaration contains foreign language text, but it is not a USPTO form. Applicants state that the English text is an accurate translation of the foreign text. This is sufficient. See 37 CFR 1.69.

The declaration meets the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the appropriate Technology Center for examination.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202

MAILED
DEC 16 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Van Baelen et al	:	
Application No.: 12/599,091	:	
PCT No.: PCT/EP2008/053275	:	
Int. Filing Date: 19 March 2008	:	PAPERS FILED
Priority Date: 7 May 2007	:	
Attorney's Docket No.: 022662-1180-US00	:	
For: CONNECTION DEVICE... WIPER ARM	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 07 December 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 06 November 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). However, no executed declaration was submitted at such time.

On 07 December 2009, applicants submitted an executed declaration which is signed, *inter alia*, by Ursula Westermann as legal representative of joint inventor Klaus-Juergen Westermann..

DISCUSSION

The executed declaration submitted is signed by Ursula Westermann, the wife, and the legal representative of the late joint inventor Klaus-Juergen Westermann and it satisfies the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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MAILED

MAR 24 2011

PCT LEGAL ADMINISTRATION

Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON MA 02110-1618

In re Application of
WESBY
Application No.: 12/599,113
PCT No.: PCT/GB08/01574
Int'l Filing Date: 07 May 2008
Priority Date: 08 May 2007
Attorney Docket No.:
For: SYSTEM AND METHOD FOR DATA ACQUISITION AND PROCESSING

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 12 November 2010 to correct the international application.

On 06 November 2009, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/599,113. However, the international application **PCT/GB08/01574** was indicated on the transmittal letter; while the PCT application number **PCT/US08/01574** was identified on the Electronic Acknowledgement Receipt. On 13 September 2010, a notification of the discrepancy was mailed to applicant.

On 12 November 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/GB08/01574 on the national stage papers filed on 01 December 2010 is **GRANTED**. The $400 petition fee was paid.

The USPTO records will identify the present application **12/599,113** as the national stage of **PCT/GB08/01574.**

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286

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:	12599187	Filing date:	2009-11-06
First Named Inventor:	Christian Herzig		
Title of the Invention:	Method For The Production Of Beta-Ketocarbonyl-Functional Organosilicon		

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/EP2008/056102

The international filing date of the corresponding PCT application(s) is/are: May 19, 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.:	12599187
First Named Inventor:	Christian Herzig

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 11-23-2009

(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 N/A

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
16	1	Rewritten in U.S. format
17	2	Rewritten in U.S. form
18	3	Rewritten in U.S. format and to eliminate multiple dependencies
19	3	Claim 18 dependent upon claim 17
20	4	Rewritten in U.S. format
21	5	Rewritten in U.S. format and to eliminate multiple dependencies
22	6	Rewritten in U.S. format and to eliminate multiple dependencies
23	7	Rewritten in U.S. format and to eliminate multiple dependencies
24	8	Rewritten in U.S. format and to eliminate multiple dependencies
25	9	Rewritten in U.S. format and to eliminate multiple dependencies
26	10	Rewritten in U.S. format and to eliminate multiple dependencies
27	11	Rewritten in U.S. format and to eliminate multiple dependencies
28	12	Cancelled
29	13	Cancelled
30	14	Cancelled
31	15	Cancelled

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William G. Conger/	Date April 5, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/599,187	11/06/2009	Christian Herzig	WAS1035PUSA	7541

22045 7590 05/20/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
NAZARIO GONZALEZ, PORFIRIO

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

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 2 0 2011

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075

In re Application of	:	DECISION ON REQUEST TO
CHRISTIAN HERZIG	:	PARTICIPATE IN PATENT
Application No. 12/599,187	:	PROSECUTION HIGHWAY
Filed: November 6, 2009	:	PROGRAM AND PETITION
Attorney Docket No. WAS1035PUSA	:	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 6, 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
FEB 15 2012
OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
NISHIOKA et al.
Application No.: 12/599,212
Filed: November 6, 2009
Attorney Docket No.: 346598US26PCT
For: EXHAUST PURIFICATION SYSTEM OF INTERNAL COMBUSTION ENGINE

: DECISION ON REQUEST TO : PARTICIPATE IN THE PATENT : PROSECUTION HIGHWAY : PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 2, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (6).

Regarding the requirement of condition (6), applicant has failed to list JP document 2006-291866 in the IDS and has not submitted a copy of the reference as cited in the JP office action.

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 the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/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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OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of
NISHIOKA et al.
Application No.: 12/599,212
Filed: November 6, 2009
Attorney Docket No.: 346598US26PCT
For: EXHAUST PURIFICATION SYSTEM OF INTERNAL COMBUSTION ENGINE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 1, 2012, and renewed on February 27, 2012, 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, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to Technology Center AU 3748 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/599,266	05/11/2010	Christine Léauté-Labrèze	4384-000140/US/NP	8098

27572 7590 11/08/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

NOV 0 8 2010

In re Application of	:	
LéAUTé-LABRèZE, CHRISTINE et al.	:	DECISION ON REQUEST TO
Application No. 12/599,266	:	PARTICIPATE IN PCT-PATENT
Filed: November 6, 2009	:	PROSECUTION HIGHWAY PILOT
Attorney Docket No. 4384-000140/US/NP	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed June 29, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT- PPH Pilot program and petition to make special require:

(1) The U.S. application is a national stage entry of the corresponding EPO PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s);
(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application;
(5) Examination of the U.S. application has not begun;
(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof; and
(7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH Pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Lee, Chi-Yu Gregory	:	
Application No. 12/599,284	:	ON PETITION
Filed: November 6, 2009	:	
Attorney Docket No. 616342000100	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WANG & HO
66 HILLTOP ROAD
MILLINGTON, NJ 07946

MAILED
JUL 13 2011
PCT LEGAL ADMINISTRATION

In re Application of
NI, Shanlin
Application No.: 12/599,299
PCT No.: PCT/CN2008/073708
Int. Filing Date: 24 December 2008
Priority Date: 04 July 2008
ATTY Docket No.: WXSE01-2US
For: DUAL –TRACK SURFACE-WAVE FILTER

DECISION ON PETITION

This decision is in response to applicant's PETITION FOR WITHDRAWAL OF ABANDONMENT in application serial number 12/599,299. The petition was filed in the United States Patent and Trademark Office (USPTO) on 12 May 2011.

BACKGROUND

On 24 December 2008, applicant filed international application, PCT/CN2008/073708, which claimed a priority date of 4 July 2008, based on a Chinese application. The thirty-month period for paying the basic national fee in the United States expires on 4 January 2011.

On 8 November 2009, applicant filed two sets of national stage papers with the United States Designated/Elected Office (DO/EO/US), which were assigned serial numbers 12/599,299 and 12/599,300.

On 26 April 2011, the DO/EO/US mailed a Notice of Abandonment based upon Applicant failing to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)). Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR1.495 and was ABANDONED AS TO THE UNITED STATES OF AMERICA.

On 12 May 2011, the applicant filed the present petition, which is being treated under 37 C.F.R. 1.182. In the present petition, applicant is requesting (1) withdrawal of abandonment of application 12/599,299; (2) merger of the two applications 12/599,299 and 12/599,300; and (3) a refund of the $400 petition fee.

DISCUSSION

The end result for an international application designating the United States is a single U.S. national stage application. Therefore, submission of two sets of national stage papers was improper. The petition states that the second national stage submission was inadvertent. Application's explanation for the error is accepted. The requisite petition fee has been furnished. Because the submission of two sets of national stage papers was not an error on the part of the Office, a refund of the petition fee is not indicated in the present situation. The papers and fees filed in application number 12/599,300 will be merged into application number 12/599,299, which will continue to be processed as the national stage of international application number PCT/CN2008/073708.

CONCLUSION

For the reasons above, the petition under 37 C.F.R. 1.182 is GRANTED.:

The Notification of Abandonment (Form PCT/DO/EO/909) is hereby VACATED.

The serialization of U.S. Application number 12/599,300 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 December 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 November 2009.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Gwendolyn Blackwell
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6094

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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23632
SHELL OIL COMPANY
P.O. Box 2463
Houston, TX 77252-2463

MAILED

OCT 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
CUROLE, Michael Alvin
U.S. Application No.: 12/599,365
PCT No.: PCT/US2008/062979
Int. Filing Date: 08 May 2008
Priority Date: 10 May 2007
Docket No.: TH3276(US)
For: SYSTEMS AND METHODS FOR PRODUCING OIL AND/OR GAS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 04 October 2011 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee was provided. This is an appropriate response to the Form PCT/DO/EO/905 mailed 25 June 2010. The petition fee has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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PCT LEGAL ADMINISTRATION

SNELL & WILMER L.L.P. (Main)
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX AZ 85004-2202

In re Application of	:	
KANADA et al.	:	DECISION ON
Application No.: 12/599,369	:	
PCT No.: PCT/JP2008/058581	:	PAPERS
Int. Filing Date: 08 May 2008	:	
Priority Date: 11 May 2007	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 49288.6300	:	
For: NOVEL LEUKOTRIENE RECEPTOR AGONIST	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 14 October 2010, which was accompanied by a declaration of the inventors. The indication in this declaration that inventor Takafumi ISHIHARA is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 May 2008, applicants filed international application PCT/JP2008/058581, which designated the United States and claimed a priority date of 11 May 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 November 2009 (11 November 2009 being a Federal holiday).

On 09 November 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 17 May 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 a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 October 2010, applicants filed a submission which was accompanied by, *inter alia*, a declaration of the inventors. The indication in the declaration that inventor Takafumi ISHIHARA is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 14 October 2010 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration filed 14 October 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

2 1 SEP 2010

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
SHAHAR, Arie, et al.	:	
Application No.: 12/599,370	:	DECISION
PCT No.: PCT/IL2008/000620	:	
Int. Filing Date: 06 May 2008	:	ON PETITION UNDER
Priority Date: 08 May 2007	:	
Docket No.: Q115483	:	37 CFR 1.47(a)
For: DIRECTIONAL RADIATION	:	
DETECTOR	:	

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 15 July 2010, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The petition fee has been paid. Applicants state the last known address of the inventor.

Item (2) has not been satisfied. The Office will not consider non-translated non-English language material. While the employment agreement and its modifications are irrelevant to this petition and thus do not require translation, the beginning of the email from "Hananel Kvatinsky" to "elhanany" is in Hebrew and does require translation.

Item (4) has not been satisfied. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete declaration as executed by the inventors must be returned to the Office. Inconsistencies in the signature dates on page 2 indicate it was not the same page present when each of the page 3s was executed. Complete copies of the declarations as they were executed or new oath or declarations must be provided.

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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JUN 16 2011

PCT LEGAL ADMINISTRATION

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
SHAHAR, Arie, et al.	:	
Application No.: 12/599,370	:	DECISION
PCT No.: PCT/IL2008/000620	:	
Int. Filing Date: 06 May 2008	:	ON PETITION UNDER
Priority Date: 08 May 2007	:	
Docket No.: Q115483	:	37 CFR 1.47(a)
For: DIRECTIONAL RADIATION	:	
DETECTOR	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 19 November 2010.

BACKGROUND

On 21 September 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 19 November 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) and (3) were previously satisfied. The petition fee has been paid. Applicants state the last known address of the inventor.

Item (2) has been satisfied. Applicants furnished the translation of the supporting email.

Item (4) has been satisfied. The 15 July 2010 declaration of the inventors satisfies 37 CFR 1.497(a)-(b). While it appears from inconsistencies in the signature dates on page 2, that it was not the same page present when each of the page 3s was executed, the Office has decided that composite declarations are sufficient for the purposes of 35 USC 371(c)(4) and 37 CFR 1.495(c).

As set forth in MPEP 605.04(a), "where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages).<" An examiner may later request an oath or declaration in compliance with the above requirement.

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/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JUN 16 2011

PCT LEGAL ADMINISTRATION

Uri El-Hanany
43C Gordon Street
Rehovot 76287
Israel

In re Application of
SHAHAR, Arie, et al.
Application No.: 12/599,370
PCT No.: PCT/IL2008/000620
Int. Filing Date: 06 May 2008
Priority Date: 08 May 2007
Docket No.: Q115483
For: DIRECTIONAL RADIATION DETECTOR

Dear Mr. El-Hanany:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
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LEYDIG VOIT & MAYER, LTD
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180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED

AUG 0 3 2010

OFFICE OF PETITIONS

In re Application of	:	
VISSER, Hendrik D. et al.	:	
Application No. 12/599,466	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: February 23, 2010	:	
Attorney Docket No. **268259**	:	

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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Law Offices of Daniel L. Dawes
Dawes Patent Law Group
5200 Warner Blvd, Ste. 106
Huntington Beach CA 92649

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Ronald G. Holder et al.	:	
Application No. 12/599,500	:	DECISION ON PETITION
Filed: November 9, 2009	:	TO WITHDRAW
Attorney Docket No. **IMS1.PAU.16.US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 8, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

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 571-272-4584.

/JoAnne Burke/
JoAnne Burke
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	12599597
Filing Date	10-Nov-2009
First Named Inventor	Takateru Sawada
Art Unit	2627
Examiner Name	PAUL HUBER
Attorney Docket Number	MAT-10290US
Title	PLASMA DISPLAY DEVICE AND METHOD FOR DRIVING THE SAME

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	/Lawrence E. Ashery/
Name	Lawrence E. Ashery
Registration Number	34515

UNITED STATES 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 9, 2012

In re Application of :

Takateru Sawada

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12599597

Filed : 10-Nov-2009

Attorney Docket No : MAT-10290US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 9, 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 2627 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of	:	
TERASHITA	:	
Application No. 12/599,603	:	NOTICE
Filed: December 21, 2009	:	
Attorney Docket No. 5576-0102PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

08 SEP 2010

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MANNAVA & KANG, P.C.
11240 WAPLES MILL ROAD
Suite 300
FAIRFAX VA 22030

In re Application of	:	
PARKER et al.	:	
Application No.: 12/599,609	:	DECISION ON
PCT No.: PCT/GB2008/001284	:	
Int. Filing Date: 11 April 2008	:	PETITION UNDER
Priority Date: 01 May 2007	:	
Attorney Docket No.: P15644PC	:	37 CFR 1.137(b)
For: FLUORINATED LANTHANIDE PROBES	:	
FOR 19F MAGNETIC RESONANCE APPLICATIONS	:	

This decision is in response to applicants' submission filed 10 November 2009, which included a petition under 37 CFR 1.137(b), and applicants' submission filed 15 July 2010, which included a declaration of inventors.

BACKGROUND

On 11 April 2008, applicants filed international application PCT/GB2008/001284 which designated the U.S. and claimed a priority date of 01 May 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 06 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 November 2009 (01 November 2009 being a Sunday).

On 10 November 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee and a petition under 37 CFR 1.137(b).

On 15 July 2010, applicants filed a submission which included 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.

As to item (1), applicant submitted the basic national fee on 10 November 2009.

As to item (2), applicant submitted the petition fee on 10 November 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.

The declaration of the inventors filed 15 July 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

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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Venable LLP
PO Box 34385
Washington, DC 20043-9998

MAILED
AUG 26 2010
PCT LEGAL ADMININSTRATION

In re Application of	:	
GUNZINAM *et al*	:	
Application No.: 12/599,644	:	
PCT No.: PCT/DE08/00807	:	
Int. Filing Date: 15 May 2008	:	DECISION
Priority Date: 16 May 2007	:	
Atty. Docket No.: 116801-281601	:	
For: APPARATUS FOR	:	
MANUFACTURING FLUID ...	:	

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" filed in the U.S. Patent and Trademark Office (USPTO) on 15 July 2010, which has been treated as a petition under 37 CFR 1.181 requesting that the declaration of the inventors be accepted. The petition is DISMISSED without prejudice as discussed below.

BACKGROUND

On 17 June 2010, this Office mailed a decision on applicants' petition under 37 CFR 1.47(a). The decision dismissed the petition as moot. The decision also indicated that the declaration of the inventors was defective in that it contained non-initialed alterations to the residence and address of inventor Strauch.

On 30 June 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 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required.

On 15 July 2010, applicants filed the present response, which was accompanied by, *inter alia*, a supplemental ADS, a "supplemental declaration" by inventor Strauch, and the requisite $130 fee.

On 29 July 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration was defective for failing to identify the country of citizenship of each inventor. This notification was mailed in error and is hereby **VACATED**.

DISCUSSION

In the present response, applicants argue that the declaration should be accepted with the alterations to the residence and address of inventor Strauch on the grounds that the declaration would have been acceptable if it had been filed without such indications. Therefore, the altered declaration, in combination with the ADS should be sufficient.

While applicants are correct that the declaration would have been acceptable if filed without such indications, the fact of the matter is that the present declaration did contain such indications and was altered. Regarding altered declarations, sections 602.01 and 605.04(a)I. of the Manual of Patent Examining Procedure (MPEP) state, in part:

> **602.01 Oath Cannot Be Amended**
> 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... (emphasis added)
>
> **605.04(a) [R-7] Applicant's Signature and Name**
> ***
> I. EXECUTION OF OATHS OR DECLARATIONS OF PATENT APPLICATIONS
> ***
> ...37 CFR 1.52(c)(1) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper...
> ... 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... (emphasis added)

USPTO policy regarding alterations to the declaration clearly sets forth that in such situations a new declaration will be required. Therefore, applicants' arguments and supplemental ADS are not sufficient to overcome the deficiency of the declaration filed 07 May 2010.

Further, regarding the "supplemental declaration" of inventor Strauch, it is also deficient and does not overcome the objections to the declaration filed 07 May 2010. Specifically, the supplemental declaration does not specifically state that the address set forth under inventor Strauch' name is inventors Strauch's residence and post office address. Additionally, the

supplemental declaration does not include the requisite statement under Section 1001 of Title 18 of the United States Code.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

The time period set forth in the Form PCT/DO/EO/905 mailed 30 June 2010, for providing a new and acceptable declaration of the inventors continues to run. 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.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

MAILED

OCT 18 2010

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PCT LEGAL ADMINISTRATION

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United States Patent and Trademark Office
P.O. Box 1450
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WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
SCARFOGLIERE, Benjamin, et al.	:	
Application No.: 12/599,680	:	DECISION ON
PCT No.: PCT/EP2009/053579	:	
Int. Filing Date: 26 March 2009	:	PETITIONS
Priority Date: 28 March 2008	:	
Attorney Docket No.: 4717-26100	:	UNDER 37 CFR 1.42 and 1.43
For: CONTROLLED TEMPERATURE	:	
IMPLANTATION	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Sebastien Cattet is deceased and that his heir is legally incapacitated.

BACKGROUND

On 10 November 2009, applicants filed a transmittal letter, accompanied by the basic national fee and a declaration of the inventors.

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 37 CFR 1.43, in the event of legal incapacitation of an inventor, "the legal representative ... of such inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In this application, an inventor is deceased and his heir is legally incapacitated. The declaration must list the inventor and his citizenship and the legal representative of the deceased and his citizenship, residence and mailing address and the legal representative of the legally incapacitated legal representative and that legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration fails to state the required information for the legally incapacitated heir and as such, does not comply with 37 CFR 1.497(b). The submission of a declaration executed by the heirs is taken as an indication that a legal representative of the deceased has not been appointed, nor is one required to be appointed and that the authority of the heirs corresponds to that of a legal representative under applicable law.

Further, the declarations fail to comply with 37 CFR 1.497(a). As submitted, one declaration states that the deceased inventor was the sole inventor and the second copy of the declaration lists two inventors without the deceased inventor.

CONCLUSION

For the above reasons, the requests for status under 37 CFR 1.42 and 1.43 are **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497, 1.42 and 1.43, 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 and 1.43."

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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United States Patent and Trademark Office
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WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

MAILED
SEP 03 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
SCARFOGLIERE, Benjamin, et al.	:	
Application No.: 12/599,680	:	DECISION ON
PCT No.: PCT/EP2009/053579	:	
Int. Filing Date: 26 March 2009	:	PETITIONS
Priority Date: 28 March 2008	:	
Attorney Docket No.: 4717-26100	:	UNDER 37 CFR 1.42 and 1.43
For: CONTROLLED TEMPERATURE IMPLANTATION	:	

This is a decision on applicants' renewed request for status under 37 CFR §§1.42 and 1.43, filed in the United States Patent and Trademark Office on 13 January 2011.

BACKGROUND

On 18 October 2010, the Office mailed Decision On Petitions Under 37 CFR 1.42 and 1.43, refusing applicants' requests for status.

On 13 January 2011, applicants filed renewed request, accompanied by, *inter alia*, the fee for a one month extension of time.

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 37 CFR 1.43, in the event of legal incapacitation of an inventor, "the legal representative ... of such inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In this application, an inventor is deceased and his legal representative is legally incapacitated. The declaration must list the inventor and his citizenship and the legal representative of the deceased with the representative's citizenship, residence and mailing address and the legal representative of the legally incapacitated legal representative and that legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The 13 January 2011 declaration satisfies the requirements of 37 CFR 1.497(a)-(b), 1.42 and 1.43.

CONCLUSION

For the above reasons, the requests for status under 37 CFR 1.42 and 1.43 are **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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SEP 06 2011

PCT LEGAL ADMINISTRATION

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of	:	
SCARFOGLIERE, Benjamin, et al.	:	
Application No.: 12/599,680	:	DECISION ON
PCT No.: PCT/EP2009/053579	:	
Int. Filing Date: 26 March 2009	:	PETITIONS
Priority Date: 28 March 2008	:	
Attorney Docket No.: 4717-26100	:	UNDER 37 CFR 1.42 and 1.43
For: CONTROLLED TEMPERATURE	:	
IMPLANTATION	:	

This is a decision on applicants' renewed request for status under 37 CFR §§1.42 and 1.43, filed in the United States Patent and Trademark Office on 13 January 2011.

BACKGROUND

On 18 October 2010, the Office mailed Decision On Petitions Under 37 CFR 1.42 and 1.43, refusing applicants' requests for status.

On 13 January 2011, applicants filed renewed request, accompanied by, *inter alia*, the fee for a one month extension of time.

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 37 CFR 1.43, in the event of legal incapacitation of an inventor, "the legal representative ... of such inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In this application, an inventor is deceased and his legal representative is legally incapacitated. The declaration must list the inventor and his citizenship and the legal representative of the deceased with the representative's citizenship, residence and mailing address and the legal representative of the legally incapacitated legal representative and that legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The 13 January 2011 declaration satisfies the requirements of 37 CFR 1.497(a)-(b), 1.42 and 1.43.

CONCLUSION

For the above reasons, the requests for status under 37 CFR 1.42 and 1.43 are **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Behrooz REZVANI, et al	:	
Application No. 12/599,682	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO WITHDRAW
Attorney Docket No. 63832-8013.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. 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 Jordan M. Becker on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: QUANTENNA COMMUNICATIONS, INC.
3450 W. WARREN AVENUE
FREMONT CA 94538

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/599,682	08/16/2010	Behrooz Rezvani	63832-8013.US01

CONFIRMATION NO. 1746

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000044609228

Date Mailed: 11/22/2010

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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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NOV 08 2011
OFFICE OF PETITIONS

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
390 LYTTON AVENUE
PALO ALTO, CA 94301

In re Application of	:	
REZVANI, et al	:	
Application No. 12/599,682	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO WITHDRAW
Attorney Docket No. 25DX-159229	:	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 William F. Ahmann, has been revoked by the applicant of the patent application on October 22, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: QUANTENNA COMMUNICATIONS, INC.
3450 W. WARREN AVENUE
FREMONT, CA 94538-6425

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YORAM TSIVION
P.O. BOX 1307
PARDES HANNA, ISRAEL 37111

MAILED
JUN 09 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
OSRI, AMOTS	:	
Application No.: 12/599,696	:	DECISION ON
PCT No.: PCT/IL2007/001552	:	
Int. Filing Date: 16 December 2007	:	PETITION
Priority Date: 13 December 2006	:	
For: VERSATILE THERMAL DETECTION	:	UNDER 37 CFR 1.181

This decision is in response to applicant's letter titled "RESPONSE TO A NOTIFICATION OF ABANDONMENT" filed 30 March 2011 to withdraw the holding of the abandonment of the application, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 16 December 2007, applicant filed international application PCT/IL2007/001552, which claimed priority of an earlier application filed 13 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 15 June 2009 (13th of June is a Saturday).

On 11 November 2009, applicant filed national stage papers in the United States Designated/Elected (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371 (c)(1) and a petition to revive under 37 CFR 1.137(b).

On 17 May 2010, the petition to revive was granted.

On 25 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Insufficient Fees (DO/EO/US)" (Form PCT/DO/EO/923) requesting applicant to submit the $65 surcharge fee.

Application No.: 12/599,696

On 23 March 2011, the DO/EO/US mailed a Notification of Abandonment (PCT/DO/EO/909).

On 30 March 2011, applicant filed the present petition.

DISCUSSION

Applicant states in his present petition that a Credit Card Payment Form (PTO-2038) was faxed to the USPTO on 22nd July 2010. A review of the application file reveals that the form was received on 22 July 2010 and the fee was charged on 23 July 2010. Therefore, the Notification of Abandonment (PCT/DO/EO/909) was mailed in error.

CONCLUSION

For the reasons detailed above, applicant's letter under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (PCT/DO/EO/909) was mailed in error and is hereby VACATED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557

Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

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NOV 17 2010
PCT LEGAL ADMINISTRATION

In re Application of:	:	
HE, Simon, Xunnan.	:	DECISION
U.S. Application No.: 12/599,724	:	(37 CFR 1.181)
PCT No.: PCT/EP2008/053841	:	
International Filing Date: 31 March 2008	:	
Priority Date: 11 May 2007	:	
Atty's Docket No.: INA-PT247.1 (562718US)	:	
For: TRACTION MECHANISM DRIVE	:	

This decision is issued in response to the "Communication In Response To Notification Of Missing Requirements Under 35 U.S.C. §371" filed 18 October 2010, treated herein as a petition under 37 CFR 1.181 requesting acceptance of the declaration filed on 11 November 2009. No petition fee is required.

BACKGROUND

On 31 March 2008, applicant filed international application PCT/EP2008/053841. The international application claimed a priority date of 11 May 2007, and it designated the United States. On 20 November 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 11 November 2009.

On 11 November 2009, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, an application data sheet (ADS), and an executed declaration.

On 25 August 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. The Notification indicated that the declaration filed on 11 November 2009 was defective because the international application number mentioned on the declaration did not correspond to the international application number listed on the transmittal letter.

On 18 October 2010, applicant filed a response to the Notification Of Missing Requirements that included a copy of the previously filed declaration and the "Communication In Response To Notification Of Missing Requirements Under 35 U.S.C. §371" considered as a petition herein. The petition included the authorization to charge required fees to Deposit Account No. 22-0493, pursuant to which the Deposit Account was charged the $130 surcharge.

On 10 November 2010, the DO/EO/US issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the 35 U.S.C. 371(c) dates as 18 October 2010 as 18 October 2010. Also on 10 November 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 18 October 2010.

DISCUSSION

In the present petition, applicant asserts that the first page of the declaration filed on 11 November 2009 properly identified the international application number to which it was directed. A review of the declaration confirms that the declaration properly executes international application PCT/EP2008/53841. As noted by applicant, page two of the declaration includes a domestic priority claim directed to a different international application number; however, an inaccurate priority claim such as that contained in the declaration filed here is not a defect under 37 CFR 1.497(a) or (b) that would prevent acceptance of the declaration.[1] Accordingly, as asserted by applicant in the present petition, the declaration originally filed on 11 November 2010 is acceptable in compliance with 37 CFR 1.497. Because the acceptable declaration was filed prior to the expiration of the thirty month deadline, the $130 surcharge for filing the declaration later than thirty months after the priority date s not required in the present case. The surcharge will therefore be refunded to applicant's Deposit Account.

The "Notification Of Missing Requirements" issued 25 August 2010, based as it was on the purported defect in the declaration filed on 11 November 2009, is appropriately vacated.

In view of the above, the materials filed by applicant on 11 November 2009 (i.e., basic national fee payment, English translation of the international application, and executed declaration in compliance with 37 CFR 1.497) completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Accordingly, the "Notification Of Acceptance" and filing receipt issued on 10 November 2010, both of which incorrectly identified the 35 U.S.C. 371(c) date as 18 October 2010, are also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 11 November 2009.

CONCLUSION

The petition under 37 CFR 1.181 for acceptance under 37 CFR 1.497 of the declaration filed on 11 November 2009 is **GRANTED**.

---

[1] It is noted that the domestic benefit/national stage information is correctly set forth in the ADS filed on 11 November 2009.

The "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued 25 August 2010 is hereby **VACATED**.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt issued on 10 November 2010, both of which incorrectly identified the 35 U.S.C. 371(c) date as 18 October 2010, are also hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 11 November 2009.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No.:	12/599,751	First Named Inventor:	Geoff STEVENS
Filing Date:	August 24, 2011	Attorney Docket No.:	03164.0235FPWO
Title of the Invention:	A REACTOR, PLANT AND PROCESS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/AU2008/000664

The international filing date of the corresponding PCT application(s) is/are: May 12, 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.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ is attached.

☑ has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ are attached.

☑ have already been filed in the above-identified U.S. application on November 11, 2009 and August 24, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	12/599,751	First Named Inventor:	Geoff STEVENS

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1-28	1-28	Claims are identical (after entry of Second Preliminary Amendment)

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date April 13, 2012
Name (Print/Typed) Brian H. Batzli	Registration Number 32,960

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.
12/599,756	11/11/2009	Akihiko Shibata	070456-0263	2611

20277 7590 08/17/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
TURNER, ARCHENE A

ART UNIT	PAPER NUMBER
1784	

MAIL DATE	DELIVERY MODE
08/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CT

August 17, 2010

In re application of	:	DECISION ON REQUEST TO
Akihiko Shibata et al	:	PARTICIPATE IN PATENT
Serial No. 12/599,756	:	PROSECUTION HIGHWAY
Filed: November 11, 2009	:	PROGRAM AND
For: SURFACE-COATED	:	PETITION TO MAKE SPECIAL
CUTTING TOOL	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition 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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PCT LEGAL ADMINISTRATION

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:
MITEVA, Tzenka, et al.
U.S. Application No.: 12/599,764
PCT No.: PCT/EP2007/004318
International Filing Date: 15 May 2007
Priority Date: 15 May 2007
Attorney's Docket No.: 349751US8XPCT
For: MICROSCOPE MEASUREMENT SYSTEM

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.47(a)" filed 18 October 2010. Applicants have paid the required petition fee.

BACKGROUND

On 15 May 2007, applicants filed international application PCT/EP2007/004318. The international application did not claim an earlier priority date, and it designated the United States. On 20 November 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 15 November 2009.

On 11 November 2009, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 18 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration incompliance with 37 CFR 1.497 was required.

On 18 October 2010, applicants filed a response to the Notification Of Missing Requirements (with required three-month extension fee). The response included a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signature of co-inventor Piotr MINKIN, whom applicants assert cannot be located after diligent effort.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided $130 as the petition fee; however, the applicable petition fee is $200. Pursuant to the authorization filed with the petition, Deposit Account No.15-0030 will be charged the additional $70 required to complete the petition fee. In view of the above, item (1) of a grantable petition is satisfied.

With respect to item (2), the petition includes an express statement of the non-signing inventor's last known address. Items (2) is therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by three of the four inventors of record, and the declarations include an unsigned signature block for the non-signing inventor, Piotr MINKIN. However, the declaration includes an apparent English translation of the German language text of the declaration, and applicants have not submitted a statement confirming that the English translation in the declaration is accurate (see 37 CFR 1.69(b)). Applicants must provide the statement required under 37 CFR 1.69(b) before the declaration filed herein can be accepted in satisfaction of this requirement. Based on the above, item (3) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

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.

As evidence of the efforts made to contact the inventor here, applicants have provided the statement of Jessica Voight, with accompanying documents. The statement provides a firsthand description of efforts made by Ms. Voight to contact the non-signing inventor, specifically, an unsuccessful mailing to his last known address, an internet search, a telephone directory search, and a review of the inventor's employment file. However, the few documents provided by applicants in support of the statement are not in English, and an English translation of these materials has not been provided, as required. Moreover, the attached documents do not appear to include copies of the cover letter directed to the inventor or the results of the internet and telephone directory searches, all of which should be made of record herein (with English translations). Applicants must provide the required supporting documents, with English translations, before it can be concluded that the non-signing inventor cannot be located after diligent effort. Until such materials are provided, item (4) of a grantable petition under 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 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 items (3) and (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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

MAILED

APR 07 2011

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of: MITEVA, Tzenka, et al.	:	
U.S. Application No.: 12/599,764	:	DECISION ON RENEWED
PCT No.: PCT/EP2007/004318	:	PETITION UNDER
International Filing Date: 15 May 2007	:	37 CFR 1.47(a)
Priority Date: 15 May 2007	:	
Attorney's Docket No.: 349751US8XPCT	:	
For: MICROSCOPE MEASUREMENT	:	
SYSTEM	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 24 January 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision issued on 24 November 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, the decision indicated that applicants had not provided the required statement confirming that the English translation in the filed declaration was accurate and an acceptable showing that the non-signing inventor cannot be located after diligent effort.

On 24 January 2011, applicants filed the renewed petition under 37 CFR 1.47(a) considered herein.

DISCUSSION

The present renewed petition includes a statement confirming that the English translation contained in the declaration document filed on 18 October 2010 is accurate. In view of this submission, the declaration filed on 18 October 2010 (which was executed by three of the four inventors of record and included an unsigned signature block for non-signing inventor Piotr MINKIN) may be accepted in satisfaction of the declaration requirement of a grantable petition under 37 CFR 1.47(a).

The renewed petition is also accompanied by supplemental materials in support of applicants' assertion that the non-signing inventor cannot be located after diligent effort, including a copy of the cover letter directed to the non-signing inventor and the results of the internet and telephone directory searches undertaken by petition. These materials, in

combination with those previously submitted, provide an acceptable showing that the non-signing inventor cannot be located after diligent effort.

Based on the above, applicants have now satisfied the final outstanding elements of a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Piotr MINKIN

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 18 October 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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APR 07 2011

PCT LEGAL ADMINISTRATION

Piotr MINKIN
Leimengrube 9/10
72631 Aichtal
GERMANY

In re Application of: MITEVA, Tzenka, et al.
U.S. Application No.: 12/599,764
PCT No.: PCT/EP2007/004318
International Filing Date: 15 May 2007
Priority Date: 15 May 2007
Attorney's Docket No.: 349751US8XPCT
For: MICROSCOPE MEASUREMENT SYSTEM

Dear Mr. MINKIN:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Bradley D. Lytle
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

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.
12/599,794	11/11/2009	Xi Yi Wang	88000.1027	2941

20601 7590 08/03/2011
SPECKMAN LAW GROUP PLLC
2014-B East Union
SEATTLE, WA 98122

EXAMINER
FELTON, MICHAEL J

ART UNIT	PAPER NUMBER
1747	

MAIL DATE	DELIVERY MODE
08/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

August 2, 2011 WG

In re application of Xi Yi Wang Serial No. 12/599,794 Filed: November 11, 2009 For: SMOKING DEVICE, CHARGING MEANS AND METHOD OF USING IT	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed June 22, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO 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 EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) 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 EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Application No. 12/599,794

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

DEC 14 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
ALANI, et al.	:	
U.S. Application No.: 12/599,807	:	DECISION ON PETITION
PCT No.: PCT/US2008/063408	:	
Int. Filing Date: 12 May 2008	:	UNDER 37 CFR 1.182
Priority Date: 11 May 2007	:	
Attorney's Docket No.: 81751 (71699)	:	
For: BIOMARKERS FOR MELANOMA	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.182 " filed 17 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 May 2008, applicant filed international application PCT/US2008/063408, which claimed priority of an earlier application filed 11 May 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 11 November 2009.

On 11 November 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 06 July 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 21 September 2010, applicant responded with an executed declaration of the inventors.

On 19 October 2010, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the last name of the last listed inventor was different on the declaration than the name appearing on the published international application. Applicant was afforded one month to file a proper reply or the extendable time remaining from the mail date of the Form PCT/DO/EO/905.

On 17 November 2010, applicant filed the present petition.

DISCUSSION

The Manual of Patent Examination Procedure (MPEP) at 605.04(c) details the procedures for proceeding where an inventor's name differs between the published international application and the filed declaration. It states that in cases other than a typographical or transliteration error, where there is a discrepancy in the inventor's name between the published international application and the U.S. National stage declaration as filed and the inventor desires to change his or her name on the application to that appearing on the filed declaration, he or she must submit a petition under 37 CFR 1.182.

The present petition is accompanied by an affidavit setting forth the procedure whereby the change of name of inventor Stine was effected; namely by marriage. The declaration is executed by Mrs. Stine using her current married name and her maiden name which appears on the published international application. As such, it is proper to grant applicant's petition at this time. Further, the granting of the petition perfects the declaration filed 21 September 2010 and thus applicant has satisfied all of the 35 U.S.C. 371 requirements.

CONCLUSION

For the reasons detailed above, the petition under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 12 May 2008 under 35 U.S.C. 363 and will be given a date of **21 September 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/599,825	Filing date:	November 12, 2009
First Named Inventor:	Paul Barker		
Title of the Invention:	Wagering Game System Having Electro-Optical Assembly with Variable Opacity		

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/US2008/005837

The international date of the corresponding PCT application(s) is/are:

May 7, 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.:	12/599,825
First Named Inventor:	Paul Barker

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 November 12, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 12, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Identical
4	4	Dependant claim 4 of the U.S. application recites the identical subject matter of claim 4 and claim 5 of the corresponding PCT application.
6-11	6-11	Identical
13-15	13-15	Identical
17	17	Identical
20-24	20-24	Identical
26	26	Identical
31	31	Identical
35-39	35-39	Identical
41	41	Dependant claim 41 of the U.S. application recites the identical subject matter of claim 42 of the corresponding PCT application.
43	43	Identical
48	48	Identical
50-51	50-51	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/11/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-555WO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/US08/05837	International filing date *(day/month/year)* 07 May 2008 (07.05.2008)	Priority date *(day/month/year)* 15 May 2007 (15.05.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) A63F 9/24(2006.01) USPC: 463/31		
Applicant WMS GAMING INC		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of ___ sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand 16 March 2009 (16.03.2009)	Date of completion of this report 04 June 2009 (04.06.2009)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Dmitry Suhol Telephone No. (571) 272-3750

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/05837

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:
   - [x] the international application in the language in which it was filed.
   - [ ] a translation of the international application into English, which is the language of a translation furnished for the purposes of:
     - [ ] international search (under Rules 12.3(a) and 23.1(b))
     - [ ] publication of the international application (under Rule 12.4(a))
     - [ ] international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
   - [x] the international application as originally filed/furnished
   - [x] the description:
     pages 1-26 as originally filed/furnished
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [x] the claims:
     pages 27-34 as originally filed/furnished
     pages* NONE as amended (together with any statement) under Article 19
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [x] the drawings:
     pages 1/18-18/18 as originally filed/furnished
     pages* NONE received by this Authority on
     pages* NONE received by this Authority on
   - [ ] a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages
   - [ ] the claims, Nos.
   - [ ] the drawings, sheets/figs
   - [ ] the sequence listing (*specify*):
   - [ ] any table(s) related to the sequence listing (*specify*):

4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - [ ] the description, pages
   - [ ] the claims, Nos.
   - [ ] the drawings, sheets/figs
   - [ ] the sequence listing (*specify*):
   - [ ] any table(s) related to the sequence listing (*specify*):

5. [ ] This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/05837

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 1-52	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-52	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-52	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-52 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the use of electro-optically reflected video images, the positioning of an electro-optical assembly in a visual space between two game machines, signage permitting the viewing of other players at linked game machines, a viewable electro-optical assembly with a plurality of variable opacity zones contained therein, simultaneous presentation of video images to two players positioned on opposing sides of an electro-optical display, the presentation of a video images through a layer of the electro-optical assembly in a manner viewable by a first and second player, in combination with a multi-player gaming systems operable to receive respective player wagers as particularly claimed.

Claims 1-52 meet the criteria set out in PCT Article 33(4), and thus has industrial applicability because the subject matter claimed can be made or used in industry.

---------- NEW CITATIONS ----------

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

CLAIMS:

What is claimed is:

1. A gaming system comprising:

a cabinet;

a first input device for receiving a wager from a first player;

a second input device for receiving a wager from a second player;

at least one video display for displaying video images relating to a wagering game;

an electro-optical assembly in the cabinet, the electro-optical assembly comprising a substrate and a layer having a variable opacity, the layer being positioned to reflect the video images displayed from the at least one video display; and

a controller programmed to alter the opacity of the layer to allow the first player to view the video images displayed from the at least one display and reflected off of the layer.

2. The gaming system of claim 1, wherein the at least one video display includes two video displays, wherein the first video display is positioned on one side of the electro-optical assembly and the second video display is positioned on an opposing side of the electro-optical assembly.

3. The gaming system of claim 2, wherein the controller is further programmed to alter the opacity of the layer such that the video images from the first video display and the second video display are superimposed relative to the substrate to allow viewing of the video images by the players.

4. The gaming system of claim 1 wherein the controller is further programmed to alter the opacity of the layer such that the first player is able to view the second player through the substrate and vice versa.

5. The gaming system of claim 1, wherein the controller is further programmed to alter the opacity of the layer such that the first player is unable to view the second player through the substrate and vice versa.

6. The gaming system of claim 1, where the electro-optical assembly includes a suspended particle device, a liquid crystal device, or an electrochromic device.

7. The gaming system of claim 1, wherein the at least one video display includes a first video projector for projecting the video images onto the electro-optical

assembly, the video images being visible to the first player and the second player when the layer is opaque, and the first player and the second player being able to view one another when the layer is transparent or translucent.

8. The gaming system of claim 7, wherein the video images include a first set of video images and a second set of video images, the at least one display includes a second video projector for projecting the second set of video images onto the electro-optical assembly, the first set of video images being projected by the first video projector onto the electro-optical assembly.

9. The gaming system of claim 1, further comprising a transparent touchscreen in communication with the electro-optical assembly such that the first and second players can view respective selections made by the other player and presented visually via the at least one video display to the first player or the second player.

10. The gaming system of claim 1, where the electro-optical assembly is a transmissive display.

11. A method of conducting a wagering game on a gaming system, the method comprising the acts of:

providing a first gaming machine for receiving a wager from a first player and a second gaming machine for receiving a wager from a second player;

interposing an electro-optical assembly between the first and second gaming machines, the electro-optical assembly comprising a substrate and a layer having variable opacity;

electronically coupling a controller to the layer; and

programming the controller to vary the opacity of the layer for displaying video images of a wagering game relative to the substrate.

12. The method of claim 11, wherein the interposing includes orienting the electro-optical assembly at an angle between first gaming machine and the second gaming machine.

13. The method of claim 11, wherein the video images are superimposed relative to the substrate via a first display and a second display.

14. The method of claim 11, further comprising varying the opacity of the layer such that the first player is able to view the second player through the substrate and vice versa.

15. The method of claim 11, wherein the electro-optical assembly comprises at least one screen having variable opacity for superimposing video images from at least one display, the at least one display comprising at least one projector for projecting the video images relative to the screen as the screen becomes opaque.

16. The method of claim 11, further comprising varying the opacity of the layer such that the first player is able to view the second player through the screen and vice versa.

17. The method of claim 11, further comprising providing a transparent touchscreen in communication with the electro-optical assembly such that the first and second players can view respective selections made by the other player.

18. The method of claim 11, where the electro-optical assembly is a transmissive display.

19. A computer readable storage medium encoded with instructions for directing a gaming system to perform a method comprising the method of claim 11.

20. A gaming system comprising:

a linked set of gaming machines operable to receive wagers from players, the linked set of gaming machines including signage in communication with the gaming machines; and

a controller operative to control the signage

to allow players at the linked set of gaming machines to view players at the other linked gaming machines through the signage, and

to superimpose video images on the signage corresponding to a community wagering game.

21. A multi-player gaming system comprising:

a cabinet;

a first input device for receiving a wager from a first player;

a second input device for receiving a wager from a second player;

at least one video display for displaying video images relating to a wagering game;

an electro-optical assembly in the cabinet comprising a substrate and a layer having a variable opacity, the electro-optical assembly being positioned to permit the video images displayed from the at least one video display to be viewable relative to the layer, a viewable surface of the electro-optical assembly having a plurality of variable zones, including a first zone adjacent to a second zone; and

a controller programmed to alter the opacity of the layer corresponding to the first zone separately from the opacity of the layer corresponding to the second zone.

22. The multi-player gaming system of claim 21, further comprising at least one touch screen adjacent the electro-optical assembly for receiving player inputs, wherein the touch screen is controlled by the controller such that selections made via the touch screen in the first zone are associated with the first player and selections made via the touch screen in the second zone are associated with the second player.

23. The multi-player gaming system of claim 21, wherein the opacity of the layer is altered by the controller such that at least one of the video images is displayed across the first zone and the second zone to create a shared video image, and wherein the first player and the second player can interact with the shared video image.

24. The multi-player gaming system of claim 21, wherein the electro-optical assembly includes a plurality of layers, each layer having a variable opacity controlled by the controller, a first of the plurality of layers corresponding to the first zone and a second of the plurality of layers corresponding to the second zone.

25. The multi-player gaming system of claim 21, wherein the layer is positioned to reflect the video images displayed from the at least one video display.

26. The multi-player gaming system of claim 21, wherein at least one video image is viewable on opposite sides of the electro-optical assembly.

27. The multi-player gaming system of claim 26, wherein the at least one video image that is viewable on one side of the electro-optical assembly is viewable as a reversed image on the opposite side of the electro-optical assembly.

28. The multi-player gaming system of claim 26, wherein the at least one video image includes a number or letter and wherein the controller is programmed to alter the opacity of a portion of the layer corresponding to the location of the number or letter to opaque while other portions of the layer remain transparent such that the number or letter is displayed in the same orientation on both sides of the electro-optical assembly.

29. The multi-player gaming system of claim 21, wherein the layer is altered by the controller to render at least a portion of the viewable surface of the electro-optical assembly opaque.

30. The multi-player gaming system of claim 29, wherein the at least a portion of the viewable surface is associated with a losing or inactive wagering game.

31. The multi-player gaming system of claim 21, wherein the video display includes a projector for reflecting the video images off of the layer.

32. The multi-player gaming system of claim 21, wherein the first zone is side-by-side the second zone.

33. The multi-player gaming system of claim 21, further comprising a third input device for receiving a wager from a third player and a fourth input device for receiving a wager from a fourth player.

34. The multi-player gaming system of claim 33, wherein the first player is situated opposite the third player and the second player is situated opposite the fourth player such that the first player and the second player are situated on one side of the cabinet and the third player and the fourth player are situated on the other side of the cabinet, the electro-optical assembly spanning across a width of the cabinet so that the first player and the third player are visible to one another when the layer is transparent and the second player and the fourth player are visible to one another when the layer is transparent.

35. The multi-player gaming system of claim 21, wherein the electro-optical assembly further comprises a third zone and a fourth zone and wherein the controller is programmed to alter the opacity of the layer corresponding to the third zone separately from the opacity of the layer corresponding to the fourth zone.

36. The multi-player gaming system of claim 35, wherein the opacity of the layer corresponding to the third zone and the opacity of the layer corresponding to the fourth layer are controlled separately from the opacity of the layer corresponding to the first zone and from the opacity of the layer corresponding to the second zone.

37. The multi-player gaming system of claim 35, further comprising at least one touch screen adjacent the electro-optical assembly for receiving player inputs, wherein the touch screen is controlled by the controller such that selections made via the touch screen in the third zone are associated with the third player and selections made via the touch screen in the fourth zone are associated with the second player.

38. A gaming system comprising:

a cabinet;

a first input device for receiving a wager from a first player;

a second input device for receiving a wager from a second player;

at least one video display for displaying video images relating to a wagering game;

an electro-optical assembly in the cabinet, the electro-optical assembly comprising a substrate and a layer having a variable opacity, the layer being positioned to permit the video images displayed from the at least one video display to be viewable relative to the layer; and

a controller programmed to alter the opacity of the layer to allow the first player and the second player to view the video images displayed by the at least one display, wherein at least one video image related to the wagering game is viewable simultaneously by the first player and the second player when they are on opposite sides of the electro-optical assembly, and wherein the first player and the second player can interact directly with the at least one video image related to the wagering game.

39. The multi-player gaming system of claim 38, further comprising a first touch screen located on one side of the electro-optical assembly and a second touch screen located on the opposite side of the electro-optical assembly, and wherein the first player and the second player interact directly with the at least one video image via the first touch screen and the second touch screen, respectively, at the same location on opposite sides of the electro-optical assembly.

40. The multi-player gaming system of claim 38, wherein the video images viewable by the first player on one side of the electro-optical assembly are also viewable simultaneously by the second player on the opposite side of the electro-optical assembly.

41. The multi-player gaming system of claim 38, wherein the controller is further programmed to receive a selection corresponding to the at least one video image from the first player and a selection corresponding to the at least one video image from the second player, and, responsive thereto, execute a function relating to the wagering game.

42. The multi-player gaming system of claim 41, wherein the controller is further programmed to cause the at least one video image to change appearance in response to the first player interacting with the at least one video image to produce a changed video image, the changed video image being viewable by both the first player and the second player.

43. The multi-player gaming system of claim 38, wherein the first player and the second player input a shared wager based on the mutual interaction with the at least one video image.

44. The multi-player gaming system of claim 38, wherein the first player and the second player input a secondary wager based on the mutual interaction with the at least one video image.

45. The multi-player gaming system of claim 38, wherein the interaction of the first player and the second player with the at least one video image causes an outcome in the wagering game that is only achievable based on the interaction.

46. The multi-player gaming system of claim 38, wherein the controller is further programmed to alter the opacity of the layer to render at least a portion of the layer opaque.

47. The multi-player gaming system of claim 38, wherein the first input device, the second input device, the at least one video display and the electro-optical assembly are housed within the cabinet.

48. A method of conducting a multi-player wagering game, comprising:

receiving a wager from a first player of the wagering game;

receiving a wager from a second player of the wagering game;

varying, via a controller, an opacity of a layer of an electro-optical assembly to render the layer between opaque and transparent;

displaying at least one video image relative to the layer such that the at least one video image is visible through the layer to the first player and to the second player; and

receiving an input from the first player indicative of a selection related to the wagering game by the first player and receiving an input from the second player indicative of the selection by the second player.

49. The method of claim 48, wherein the selection includes an alphanumeric character and the varying includes rendering the opacity of a portion of the layer opaque at the location of the selection and causing the alphanumeric character to be displayed on opposite sides of the electro-optical assembly in non-reversed order.

50. The method of claim 48, wherein the varying includes rendering the opacity of the entire layer opaque in response to the first player or the second player not achieving an award during the wagering game.

51. The method of claim 48, wherein the displaying the at least one video image causes the at least one video image to appear simultaneously in a first orientation to the first player and in a second orientation that is reversed from the first orientation to the second player, the at least one video image including a video animation relating to the wagering game.

52. The method of claim 48, further comprising rendering the opacity of a majority of the layer transparent in response to the first player or the second player achieving an award during the wagering game to permit the first player and the second player to see through the layer each other as well as video images relating to the award, the video images being displayed relative to the layer.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/599,825	11/12/2009	Paul Barker	247079-000555USPX	3471

70243 7590 07/15/2011
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EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
07/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of:
BARKER, PAUL
Serial No.: 12/599825
Filed: November 12, 2009
Attorney Docket No. : 247079-000555USPX
Title: WAGERING GAME SYSTEM HAVING ELECTRO-OPTICAL ASSEMBLY WITH VARIABLE OPACITY

DECISION ON A REQUEST TO PARTICIPATE IN PCT/PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 11, 2011 to make the above-identified application special.

The request and petition are **granted.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

Doc Code: 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: 20121-209329	Application Number (if known): 12/599,858	Filing date: 12 NOV 2009
First Named Inventor: Hampson, Carl		
Title: Mineral Wool Insulation		

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 Kyle W. Kimble	Date 17 FEB 2011
Name (Print/Typed) Kyle W. Kimble	Registration Number 63,661

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/599,858	03/30/2010	Carl Hampson	20121-209329	3790

23643 7590 03/16/2011
BARNES & THORNBURG LLP
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INDIANAPOLIS, IN 46204

EXAMINER

ART UNIT	PAPER NUMBER
1734	

NOTIFICATION DATE	DELIVERY MODE
03/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

indocket@btlaw.com

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

3/16/2011

In re Application of	:	
Hampson et al.	:	DECISION ON PETITION
Application No. 12/599,858	:	TO MAKE SPECIAL UNDER
Filed: 11/12/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **20121-209329**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/17/2011, 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 1734 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/599,870	01/27/2010	Willem J. Schipper	60079.11	3930

27128 7590 10/27/2010
HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS, MO 63105

EXAMINER	
ART UNIT	PAPER NUMBER

NOTIFICATION DATE	DELIVERY MODE
10/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

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Alexandria, VA 22313-1450
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HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS MO 63105

OCT 27 2010

In re Application of	:	
Willem J. Schipper	:	DECISION ON PETITION
Application No. 12/599,870	:	TO MAKE SPECIAL UNDER
Filed: November 12, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 60079.11	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 04, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2010

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE, SUITE 1501
NEW YORK NY 10017

In re Application of: BOHM, Alfred., et al. U.S. Application No.: 12/599,884 PCT No.: PCT/EP2008/055703 International Filing Date: 08 May 2008 Priority Date: 14 May 2007 Attorney Docket No.: BOHM For: NETWORK FILTER FOR A CONVERTER FOR CONNECTION OF THE CONVERTER TO A 3-PHASE SUPPLY NETWORK	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' submission on 12 November 2009 of a declaration executed on behalf of deceased inventor Alfred BOHM by his legal representatives Rommy BOHM and Florian BOHM, which has been treated as a submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 08 May 2008, applicants filed international application PCT/EP2008/055703. The application claimed a priority date of 14 May 2007, and it designated the United States. On 20 November 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the basic national fee was 30 months from the priority date, i.e., 14 November 2009.

On 12 November 2009 April 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, an English translation of the international application, and a declaration executed by the surviving inventor and on behalf of deceased inventor Alfred BOHM by his legal representatives Rommy BOHM and Florian BOHM. 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.

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 declaration must provide the citizenship, mailing address, and residence information for the legal representative **and** the name and citizenship of the deceased inventor. Here, the filed declaration provides the required information regarding the two legal representatives; however, the declaration does not comply with 37 CFR 1.497(b)(2) in that it does not provide separate citizenship information for the deceased inventor.

Because the filed declaration does not include all the information required by 37 CFR 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.42 and 37 CFR 1.497.

CONCLUSION

The request for status under 37 CFR 1.42 with respect to deceased inventor Alfred BOHM is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date 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 oath or declaration executed on behalf of the deceased inventor by his legal representatives containing all the information required under 37 CFR 1.497, including, as discussed above, the citizenship, residence, and mailing address of the legal representatives and the name and citizenship of the deceased inventor.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

MAILED
DEC 14 2010
PCT LEGAL ADMINISTRATION

In re Application of: BOHM, Alfred., et al.
U.S. Application No.: 12/599,884
PCT No.: PCT/EP2008/055703
International Filing Date: 08 May 2008
Priority Date: 14 May 2007
Attorney Docket No.: BOHM
For: NETWORK FILTER FOR A CONVERTER FOR CONNECTION OF THE CONVERTER TO A 3-PHASE SUPPLY NETWORK

DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' "Response To Decision Regarding Submission Under 37 CFR 1.42" filed 02 November 2010. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 10 September 2010. The decision dismissed applicants' request for status under 37 CFR 1.42, finding that the declaration filed by applicants did not include all the information required under 37 CFR 1.42 and 1.497.

On 02 November 2010, applicants filed the "Response To Decision Regarding Submission Under 37 CFR 1.42" considered herein, accompanied by a revised declaration.

DISCUSSION

The revised declaration filed on 02 November 2010 includes a specific indication of the citizenship of the deceased inventor, Alfred BOHM. The declaration also identifies the two persons signing on behalf of the deceased inventor as his legal representatives, and it provides the required citizenship, residence, and mailing address information for the legal representatives. However, the revised declaration executed by the legal representatives of the deceased inventor contains unacceptable non-dated, non-initialed hand-written alterations (specifically, with respect to the legal representatives' addresses). As set forth in MPEP section 605.04(a): "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated" (see 37 CFR 1.52(c)).

Based on the above, the revised declaration executed on behalf of the deceased inventor by the deceased inventor's legal representatives may not be accepted as filed. Applicants must submit a revised declaration executed by the legal representatives which contains all information required under 37 CFR 1.42 and 1.497 and which does not include any unacceptable handwritten alterations.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Alfred BOHM is **DISMISSED** 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 representatives of the deceased inventor that includes all information required under 37 CFR 1.497 and 1.42 and which does not include any unacceptable hand-written alterations.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

In re Application of: BOHM, Alfred., et al.
U.S. Application No.: 12/599,884
PCT No.: PCT/EP2008/055703
International Filing Date: 08 May 2008
Priority Date: 14 May 2007
Attorney Docket No.: BOHM
For: NETWORK FILTER FOR A CONVERTER FOR CONNECTION OF THE CONVERTER TO A 3-PHASE SUPPLY NETWORK

DECISION
(37 CFR 1.42)

This decision is issued in response to applicants' "Response To Decision Regarding Renewed Submission Under 37 CFR 1.42" filed 24 January 2011. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 10 September 2010 and 14 December 2010. The decision mailed 14 December 2010 dismissed applicants' renewed request for status under 37 CFR 1.42, finding that the revised declaration filed by applicants on 02 November 2010 contained unacceptable hand-written alterations.

On 24 January 2011, applicants filed the "Response To Decision Regarding Renewed Submission Under 37 CFR 1.42" considered herein, accompanied by a revised declaration.

DISCUSSION

The revised declaration filed on 24 January 2011 includes a specific indication of the citizenship of the deceased inventor, Alfred BOHM, as well as the name and citizenship of the surviving inventor, Tobias HOFMANN. The declaration also identifies the two persons signing on behalf of the deceased inventor as his legal representatives, and it provides the required citizenship, residence, and mailing address information for the legal representatives.

In view of the above, the revised declaration filed 24 January 2011 is acceptable under 37 CFR 1.42 and 1.497 with respect to the deceased inventor.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased co-inventor Alfred BOHM 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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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NOV 22 2011

OFFICE OF PETITIONS

In re Application of Beirnaert et al. :
Application No. 12/599,892 :
Int'l Filing Date: May 23, 2008 :
Attorney Docket No. A0848.70049US01 :
Pub. No.: US 2011/0002929 A1 :
Pub. Date: January 6, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed March 4, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The failure to include changes made by a preliminary amendment filed November 12, 2009, was not an Office error. Specifically, a copy of the application, as amended, was not submitted in compliance with 37 C.F.R. § 1.215(c) and, although 37 C.F.R. § 1.215(a) provides the Office

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

with the discretion to include changes made by a preliminary amendment in a publication when certain criteria are satisfied, it does not require the Office to include such changes in the publication.

Since the error Applicant seeks to correct was not an error by the Office, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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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Jones Day
222 East 41st Street
New York NY 10017-6702

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Application of	:	
WYNNE, Graham M. et al.	:	
Application No. 12/599,963	:	DECISION ON PETITION
Filed: July 01, 2010	:	TO WITHDRAW
Attorney Docket No. 11808-071-999/ 120024-999	:	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 18, 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 Jihong Lou for Dale L. Rieger on behalf of all attorneys of record who are associated with customer No. 86973. All attorneys/agents associated with the Customer Number 86973 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: **SUMMIT CORPORATION PLC**
91 MILTON PARK
ABINGDON OXFORDSHIRE OX14 4RY
UK

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Date Mailed : 06/13/11

Patent No. :7950918 B2
Patent Issued : 05/31/11
Docket No. : **HB1100-0-US**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

On the Title Page, item (75): Third Inventor's name reads Marie-France Sonia Martin, is printed in accordance with the record. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

HUSKY INJECTION MOLDING SYSTEMS LTD.
CO/AMC INTELLECTUAL PROPERTY GRP
500 QUEEN STREET SOUTH
BOLTON ON L7E 5S5 CA CANADA

LMN

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Tolpin & Partners, PC
11 S. LaSalle Street, Suite 2900
Chicago IL 60603

In re Application of
Lee et al.
Application No.: 12/600,026
PCT No.: PCT/KR2008/002663
Int. Filing Date: 14 May 2008
Priority Date: 14 May 2007
Attorney Docket No.: OP-2009237
For: Deep Brain Stimulation Device Having Wireless Power Transmission Mechanism

DECISION

This is in response to the request under 37 CFR 1.497(d) filed on 14 September 2010.

BACKGROUND

This international application was filed on 14 May 2008, claimed an earlier priority date of 14 May 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 20 November 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 16 November 2009 (since 14 November 2009 was a Saturday). Applicants filed *inter alia* the basic national fee on 13 November 2009.

On 14 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring the submission of certain additional fees and an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Counsel has presented an unsigned statement by R. Elliott JAMES regarding his inventorship, and referencing 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)).

Regarding requirement (1), the statement relating to the status of Mr. James is unsigned.

Regarding requirement (2), the $130.00 processing fee has been paid.

Regarding requirement (3), applicants have filed a statement under 37 CFR 3.73(b) which indicates that Gachon University is the assignee of the entire right, title and interest in the instant international application. The statement indicates the reel and frame numbers where an assignment was recorded in the USPTO, and is signed by Yun Sang Hyun who asserts that "the undersigned... is authorized to act on behalf of the assignee." The statement includes written

consent by the assignee to the removal of Mr. James as an inventor. Therefore, requirement (3) has been satisfied.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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JAN 18 2011

PCT LEGAL ADMINISTRATION

Tolpin & Partners, PC
11 S. LaSalle Street, Suite 2900
Chicago IL 60603

In re Application of
Lee et al.
Application No.: 12/600,026
PCT No.: PCT/KR2008/002663
Int. Filing Date: 14 May 2008
Priority Date: 14 May 2007
Attorney Docket No.: OP-2009237
For: Deep Brain Stimulation Device Having Wireless Power Transmission Mechanism

DECISION

This is in response to the renewed request under 37 CFR 1.497(d) filed on 23 November 2010.

DISCUSSION

In a Decision mailed on 17 November 2010, the request under 37 CFR 1.497(d) filed on 14 September 2010 was treated and the declaration was not accepted, without prejudice, because the statement relating to the status of Mr. James was unsigned.

In response, counsel has provided a statement signed by R. Elliott James, who states that he was named as an inventor in the international application, but he is "not properly an inventor of the claimed subject matter" in the instant case; and that the error in inventorship occurred without deceptive intent on his part. This statement satisfies the requirements of 37 CFR 1.497(d)(1). As such, all of the requirements for relief under 37 CFR 1.497(d) now have been met.

DECISION

The declaration filed on 22 June 2010 is **ACCEPTED** under 37 CFR 1.497(d), for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **22 June 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/600,038	11/13/2009	Hideaki Tsubaki	Q115900	5608

65565 7590 10/05/2010
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
10/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SUGHRUE265550@SUGHRUE.COM
USPTO@SUGHRUE.COM
PPROCESSING@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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CST

October 4, 2010

In re application of Hideaki Tsubaki Serial No. 12/600,038 Filed: November 13. 2009 For: PATTERN FORMING METHOD	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 6, 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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DEC 21 2011

PCT LEGAL ADMINISTRATION

Michael Best & Friedrich LLP
100 East Wisconsin Ave
Suite 3300
Milwaukee WI 53202-4108

In re Application of:
KENNEDY et al.
Application No.: 12/600,102
PCT No.: PCT/GB2008/001677
Int. Filing Date: 15 May 2008
Priority Date: 15 May 2007
Attorney's Docket No.: 085485-9045-US00
For: BLAST DOOR

DECISION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 09 December 2011 to accept the application without the signature of joint-inventor, Chris Russon.

BACKGROUND

On 15 May 2008, applicants filed international application PCT/GB2008/001677 which claimed a priority date of 15 May 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 15 November 2009.

On 13 November 2009, applicants filed a request for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 10 June 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b). The notification set a two-month time limit in which to respond.

On 09 December 2011, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Chris Russon refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor via Royal Mail. The documents provided to Chris Russon included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Chris Russon). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Chris Russon under 37 CFR 1.47(a) at this time.

Application No.: 12/600,102

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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Chris Russon
Calcutt Farm House
Broadwell
Rugby
Warwickshire CV23 8H

MAILED

DEC 21 2011

PCT LEGAL ADMINISTRATION

In re Application of:
KENNEDY et al.
Application No.: 12/600,102
PCT No.: PCT/GB2008/001677
Int. Filing Date: 15 May 2008
Priority Date: 15 May 2007
Attorney's Docket No.: 085485-9045-US00
For: BLAST DOOR

Dear Chris Russon:

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:
Michael Best & Friedrich LLP
100 East Wisconsin Ave
Suite 3300
Milwaukee WI 53202-4108

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00570
PANITECH SCHWARZE BELISARO & NADAL, LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103

MAILED
JUN 06 2011
PCT LEGAL ADMINISTRATION

In re Application of
BORGER *et al*
Application No.: 12/600,115
Filing Date: November 13, 2009
Attorney's Docket No.: 688073-13US
For: POWER GENERATION SYSTEM COMPRISING A PLURALITY OF INVERTERS

DECISION

This decision is in response to the "Petition to the Director Under 37 C.F.R. 1.181 to Clearly Identify Submission of 35 U.S.C. 111(a)" filed January 8, 2010. No fee is required.

BACKGROUND

On November 13, 2009, applicants filed papers using the USPTO EFS-Web system to enter the "U.S. National Stage under 35 USC 371" of PCT/DE08/00541.

On January 8, 2010, applicants filed the subject petition for clarification on the status of this application.

DISCUSSION

In the subject petition, applicants claim that the above-captioned application was filed as a Continuation-in-part of PCT/DE2008/000541 under 35 U.S.C. 111(a), not as a national stage application under 35 U.S.C. 371. Applicants request that the application be considered under 35 U.S.C. 111(a).

Any intended filing of an international application as a national stage application must clearly be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c). Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a). 37 CFR 1.495(g). In addition, section 1893.03(a) of the Manual of Patent Examining Procedure states, in part:

> In accordance with the notice at 1077 O.G. 13 (April 14, 1987) . . . if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

A review of the subject application shows that applicants submitted the application electronically as a "U.S. National Stage under 35 USC 371" of "PCT/DE08/00541" on November 13, 2009. The Office processed the above-captioned application as the national stage of PCT/DE08/00541.

However, the Application Data Sheet filed with the initial papers lists the application as a Continuation-in-part of PCT/DE2008/000541. This is clearly a conflicting instruction. As such, the application must be treated as a filing under 35 U.S.C. 111(a).

CONCLUSION

Applicant's petition pursuant to 37 CFR 1.181 is **GRANTED**.

The papers deposited on November 13, 2009 constitute a filing under 35 U.S.C. 111(a), not 35 U.S.C. 371.

This application is being forwarded to the Office of Patent Application Processing to process the application as a Continuation-in-part of PCT/DE2008/000541 under 35 U.S.C. 111(a).

James Thomson

James Thomson
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Sunstein Kann Murphy & Timbers LLP
125 Summer Street
Boston, MA 02110-1618

MAILED
DEC 09 2011
PCT LEGAL ADMINISTRATION

In re Application of
WESBY, Philip
Application No.: 12/600,132
Filed: December 7, 2009
Attorney Docket No.: 1503/119
For: SYSTEM AND METHOD FOR DATA ACQUISITION AND PROCESSING

DECISION

This decision is issued in response to applicants' "Petition under 37 CFR 1.182 - To Correct International Application Number" filed 21 November 2011. The response seeks to correct the bibliographic data (international application number) for the national stage application papers filed 13 November 2009, so as to allow such materials to be treated as the U.S. national stage of PCT/GB2008/001569. The required $400 has been submitted.

BACKGROUND

On 13 November 2009, applicants electronically filed a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 12/600,232.

The materials included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 that identified the application as a U.S. national stage of PCT/GB2008/001569; (2) a preliminary amendment that identified the application as a national stage of PCT/GB2008/001569; and (3) an application data sheet that identified the application as a national stage of PCT/GB2008/001569. Thus, applicants' 13 November 2009 filing included conflicting instructions that identified the submission as a U.S. national stage of two different international applications: PCT/GB2008/001569 and PCT/US2008/001569.[1]

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2008/001569, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

[1]An executed declaration of inventorship was filed on 07 December 2009.

On 13 July 2010, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/US2008/001569 (the filing receipt also listed the application as a national stage of PCT/US2008/001569).

On 21 November 2011, applicants' "Petition under 37 CFR 1.182 and Request for Reconsideration" considered therein.

DISCUSSION

As set forth above, the data entered by applicants during the electronic filing incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 13 November 2009 can be treated as having been directed to international application PCT/GB2008/001569, as necessary to avoid abandonment of this international application with respect to the United States.

As set forth above, the data entered by applicants during the electronic filing incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 13 November 2009 can be treated as having been directed to international application PCT/GB2008/001569, as necessary to avoid abandonment of this international application with respect to the United States.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number identified during the electronic filing process. Accordingly, the materials filed herein on 13 November 2009 will be treated as having been directed to international application PCT/GB2008/001569.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) and the Official Filing Receipt mailed on 13 July 2010 are appropriately 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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

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NOV 16 2010

PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of:
LEVERVE, Xavier, et al.
U.S. Application No.: 12/600,154
PCT No.: PCT/EP2008/056076
International Filing Date: 16 May 2008
Priority Date: 16 May 2007
Attorney Docket No.: 0508-1244
For: NEW PHARMACEUTICAL COMPOSITIONS COMPRISING A THYROID HORMON AND THEIR THERAPEUTIC USE

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 22 October 2010 of a declaration executed on behalf of deceased inventor Roland FAVIER by the deceased inventor's four legal representatives, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 16 May 2008, applicants filed international application PCT/EP2008/056076. The international application claimed a priority date of 16 May 2007, and it designated the United States. On 20 November 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., 16 November 2009.

On 13 November 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 23 August 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.

On 22 October 2010, applicants filed a response to the Notification Of Missing Requirements that included a declaration executed by the two surviving applicant/inventors and on behalf of deceased inventor Roland FAVIER by his four legal representatives. 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(s) must be identified on the declaration, as well as the mailing address and residence information of the legal representative(s) and all other information required under 37 CFR 1.497. Here, the declaration filed 22 October 2010 includes the required citizenship, residence, and mailing address information for the four persons signing the declaration on behalf of the deceased inventor, as well as the required citizenship of the deceased inventor. The declaration also states the relationship of the persons signing to the deceased inventor (i.e., "legal representative"). The declaration therefore includes all information required under 37 CFR 1.497(b)(2).

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Roland FAVIER 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 22 October 2010.

/RichardMRoss/

Richard M. Ross
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24 AUG 2010

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CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

In re Application of: VON LENGELING, et al.	:	
U.S. Application No.: 12/600,174	:	DECISION ON PETITION UNDER
PCT No.: PCT/IB2008/051877	:	(37 CFR 1.47(a))
International Filing Date: 13 May 2008	:	
Priority Date: 14 May 2007	:	
Attorney Docket No.: ADAM:1000	:	
For: LOADING OF EXPLOSIVES	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 26 July 2010. Applicants have paid the required petition fee.

BACKGROUND

On 13 May 2008, applicants filed international application PCT/IB2008/051877. The international application claimed a priority date of 14 May 2007, and it designated the United States. On 20 November 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., 14 November 2009.

On 13 November 2009, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the basic national fee.

On 26 May 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 26 July 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a declaration executed by three of the four inventors of record, and the "Petition Under 37 CFR 1.47(a)" considered herein. The petition requests acceptance of the declaration without the signature of non-signing co-inventor Peter Robert WIGHT, 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 a declaration executed by three of the four inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor. This declaration 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 includes a statement from Zelda Snyman referring to efforts made to contact the non-signing inventor via email and at his last known address. However, applicants have not provided the required firsthand statement confirming all the actions referred to in the statement (for example, Ms. Snyman does not appear to be the person who communicated with the inventor's daughter, as discussed in paragraph 12 of Ms. Snyman's statement). Moreover, unsuccessful attempts to reach the inventor at his last known residence and email addresses do not, on their own, demonstrate a diligent effort to locate the inventor. A firsthand statement, with supporting documents, setting forth the details of 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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PCT LEGAL ADMINISTRATION

CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

In re Application of:	:	
VON LENGELING, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/600,174	:	PETITION
PCT No.: PCT/IB2008/051877	:	(37 CFR 1.47(a))
International Filing Date: 13 May 2008	:	
Priority Date: 14 May 2007	:	
Attorney Docket No.: ADAM:1000	:	
For: LOADING OF EXPLOSIVES	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. 1.47(a)" filed 24 November 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 24 August 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the non-signing inventor could not be reached after diligent effort.

On 24 November 2010, applicants filed the "Renewed Petition Under 37 C.F.R. 1.47(a)" considered herein (with required extension fee).

DISCUSSION

Applicants' original petition indicated that no response had been received from the non-signing inventor with respect to efforts made to contact the inventor and obtain his signature on the required declaration. The submission was therefore considered under the criteria applicable to an assertion that the inventor can not be located after diligent effort, and it was dismissed for failure to satisfy the requirements of such a showing. However, the present renewed petition indicates that applicants have now made contact with the non-signing inventor, but that the inventor has still failed to provide the requested signed declaration. Under these circumstances, the petition must be considered under the criteria applicable to an assertion that the non-signing inventor has refused to execute the application.

MPEP section 409.03(d) states the following regarding the showing required before it can be concluded that an inventor has refused to execute the application papers: "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP goes on to state:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the petition provides first hand confirmation, with documentary support, regarding the forwarding of signature requests to the non-signing inventor. The included statement of Ian Brent-White indicates that the inventor has expressly confirmed receiving the signature request forwarded to the inventor's email address by Mr. Brent-White. However, the petition does not demonstrate that a copy of the complete application papers, including the description, claims, and drawings, were provided to the inventor with the declaration and signature request, as required before it can be concluded that the inventor has refused to execute the application (Mr. Brent-White's email apparently included only a copy of the declaration itself). Applicants must provide supplemental materials providing firsthand confirmation that a request for signature on the declaration, accompanied by a copy of the complete application, has been provided to the non-signing inventor and that the inventor has failed to provide the signed declaration in response to such request. Until such materials are provided, it cannot be concluded that the non-signing inventor has refused to execute the present application.

Base on the above, the final element of a grantable petition under 37 CFR 1.47(a) remains unsatisfied on the present record.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy the final element 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.

/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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 18 2011

PCT LEGAL ADMINISTRATION

CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

In re Application of:
VON LENGELING, et al.
U.S. Application No.: 12/600,174
PCT No.: PCT/IB2008/051877
International Filing Date: 13 May 2008
Priority Date: 14 May 2007
Attorney Docket No.: ADAM:1000
For: LOADING OF EXPLOSIVES

DECISION ON SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Second Renewed Petition Under 37 C.F.R. 1.47(a)" filed 30 August 2011. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 24 August 2010 and 01 February 2011. The most recent decision dismissed without prejudice applicants' renewed petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided an acceptable showing that the non-signing inventor had refused to execute the application.

On 12 August 2011, the United States Designated/Elected Office mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' failure to respond to the decision mailed on 01 February 2011.

On 30 August 2011, applicants filed the "Second Renewed Petition Under 37 C.F.R. 1.47(a)" considered herein (with required five-month extension fee).

DISCUSSION

1. Withdrawal of Holding of Abandonment

The decision mailed on 01 February 2011 provided applicants with two months to submit the required response, and the decision specifically stated that this response period was extendable under 37 CFR 1.136(a). 37 CFR 1.136(a) permits applicants to obtain a maximum extension of five months. Applicants here have submitted payment for a five-month extension of time, thereby extending the response deadline to 01 September 2011. In view of this extension, applicants' present renewed petition (which was filed on 30 August 2011) is considered a timely

response to the decision mailed on 01 February 2011. The Notification Of Abandonment mailed 12 August 2011 is therefore appropriately vacated.

2. **Second Renewed Petition Under 37 CFR 1.47(a)**

The second renewed petition under 37 CFR 1.47(a) includes a supplemental statement from Zelda Snyman, with supporting documents, confirming that additional signature requests, accompanied by copies of the complete application, have been delivered to non-signing inventor Peter Robert WIGHT via email and via courier to his last known address, and that the non-signing inventor has not provided the requested signature in response to such requests. These materials, in combination with those previously submitted, provide an acceptable showing that the non-signing inventor has refused to execute the application. Applicants have therefore now satisfied the final element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed on 12 August 2011 is hereby **VACATED**.

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Peter Robert WIGHT.

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 26 July 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Peter Robert WIGHT
7 Hamlin Rise
Como, Western Australia
6152 (08) 9367 256

MAILED
OCT 18 2011
PCT LEGAL ADMINISTRATION

In re Application of: VON LENGELING, et al.
U.S. Application No.: 12/600,174
PCT No.: PCT/IB2008/051877
International Filing Date: 13 May 2008
Priority Date: 14 May 2007
Attorney Docket No.: ADAM:1000
For: LOADING OF EXPLOSIVES

Dear Mr. WIGHT:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Daniel J. Chalker
CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MAILED

JUN 29 2011

OFFICE OF PETITIONS

VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601

In re Application of	:	
Cheong Kong Chang	:	
Application No. 12/600,186	:	DECISION ON PETITION
Filed: November 13, 2009	:	TO WITHDRAW
Attorney Docket No. 42204.00.0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Vedder Price P.C. has been revoked by the applicant of the patent application on March 17, 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: **KELLY & KRAUSE, L.P**
1000 Jorie Blvd., Suite 144
Oak Brook, IL 60523

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
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SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

MAILED
DEC 23 2010
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
ERICKSON et al	:	
Application No: 12/600,231	:	
PCT No.: PCT/US2008/0065123	:	PETITION UNDER
Int. Filing Date: 29 May 2008	:	
Priority Date: 31 May 2007	:	
Attorney's Docket No.: MONS:205US	:	
For: COMPOSITIONS FOR... OIL CONTENT	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 11 October 2010.

BACKGROUND

On 13 November 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. However, no executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 10 June 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 applicants, *inter alia*, that "the 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 notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 11 October 2010, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signatures of two of the joins inventors, i.e., without the signatures of Joseph R. Byrum and Donghong Pei.

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 have satisfied items (1), and (3)- (4) of 37 CFR 1.47(a). However, item (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding item (1), petitioner has provided the petition fee of $200 under 37 CFR 1.17(g).

Regarding item (2), Mr. Hanson has stated that a complete copy of the application papers were mailed to the non-signing co-inventors, Joseph R. Byrum and Donghong Pei as indicated by Ms. Agnes A. Bowell (her declaration has been provided) that a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) were sent to their home addresses but the required papers have not been returned.

The record shows that there is sufficient evidence to support a finding that the nonsigning joint inventor, Donghong Pei refuses to sign because it is clear that a *bona fide* attempt was made when a complete copy of the application papers were mailed to him and that he has refused to sign the required papers and return them. The application papers were mailed to Donghong Pei on December 3, 2009 and it was delivered to Pei on December 7, 2009. Ms. Bolwell left telephone messages for Pei on June 11, 2010 and June 15, 2010 but Pei did not return the calls. On August 6, 2010, August 25,2010 and October 8, 2010 the declaration was sent again for his signature and Mr. Pei has not returned the signed documents. Copies of the cover letters and Federal Express shipping information has been provided

However, with respect to Joseph R. Byrum the record does not show that there is sufficient evidence to support a finding that the nonsigning joint inventor refuses to sign because it is unclear that he has received a complete copy of the application papers and that he has refused to sign the required papers. It is unclear if the mailed documents were actually received by the non-signing joint inventor, Byrum, because the papers mailed on December 3, 2009 were returned as undeliverable and the declaration mailed on August 6, 2010 was left at the front door (signature was not required). Finally, the August 25, 2010 mailing to him returned to Monsanto Company by Federal Express on August 26, 2010. As such, there is no evidence provided that Mr. Byrum received the application papers

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.

If Mr. Byrum does not reside there, then petitioner is under an obligation to try to find or reach Mr. Byrum. 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**.

Accordingly, the current record does not support the premise that Mr. Byrum's 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 addresses of the nonsigning co-inventors.

Joseph R. Byrum
913 31st Street
West Des Moines, IA 50265

Donghong Pei
704 Hackerson Court
Northfield, MN 55057

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signatures of joint inventors Byrum and Pei.

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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MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re of	:	DECISION ON RENEWED
ERICKSON et al	:	
Application No: 12/600,231	:	
PCT No.: PCT/US2008/0065123	:	PETITION UNDER
Int. Filing Date: 29 May 2008	:	
Priority Date: 31 May 2007	:	
Attorney's Docket No.: MONS:205US	:	
For: COMPOSITIONS FOR... OIL CONTENT	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 23 February 2011.

BACKGROUND

In a decision from this Office on 23 December 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 23 February 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 23 December 2011 with respect to accepting the above application without the signatures of Joseph R. Byrum and Donghong Pei. Petitioner also included a declaration form Patricia L. Bailey including the additional bona fide steps to reach Joseph R. Byrum.

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 23 February 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), a statement by Patricia L. Bailey, who has first-hand knowledge has provided a statement outlining the steps she took to mail the application papers to the non-signing inventor Joseph R. Byrum and to contact him by telephone. Federal Express attempted a number of times to deliver the package (February 11th, 14th and 15th of 2011)to M.r Byrum last know address and was unsuccessful as it indicated "Customer not available or business closed." Ms. Bailey then tried to call him at his phone number but no answer. She confirmed Mr. Byrum's address and telephone by using LexisNexis and again his phone number with Directory Assistance, and based on this she has his correct address and phone number. Petitioner had also tried numerous times as described in the previous petition.

Consequently, at this time it can be concluded that Mr. Byrum 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**.

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 forwarded 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) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Donghong Pei
704 Hackerson Court
Northfield, MN 55057

MAILED
APR 21 2011
PCT LEGAL ADMINISTRATION

In re of
ERICKSON et al
Application No: 12/600,231
PCT No.: PCT/US2008/0065123
Int. Filing Date: 29 May 2008
Priority Date: 31 May 2007
Attorney's Docket No.: MONS:205US
For: COMPOSITIONS FOR... OIL CONTENT

Dear: Pei

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

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

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ALEXANDRIA, VA 22313-1450
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Joseph R. Byrum
913 31 Street
West Des Moines, IA 50265

MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

In re of
ERICKSON et al
Application No: 12/600,231
PCT No.: PCT/US2008/0065123
Int. Filing Date: 29 May 2008
Priority Date: 31 May 2007
Attorney's Docket No.: MONS:205US
For: COMPOSITIONS FOR... OIL CONTENT

Dear: Byrum,

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

SNR DENTON US LLP
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6702

MAILED

JUN. 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Graham Michael Wynne et al	:	
Application No. 12/600,240	:	DECISION ON PETITION
Filed: March 22, 2010	:	TO WITHDRAW
Attorney Docket No.: 11808-025-999	:	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 18, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

A review of the file record indicates that Jihong Lou does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request is filed by Jihong Lou on behalf of the practitioners of record associated with Customer Number 86973.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since the correspondence address provided is not the intervening assignee of the entire interest or the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 23,2011

In re Application of :

Graham Wynne

Application No : 12600240

Filed : 22-Mar-2010

Attorney Docket No : 11808-025-999

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 23,2011

The request is **APPROVED.**

The request was signed by Dale Rieger (registration no. 43045) on behalf of all attorneys/agents associated with Customer Number 86973 . All attorneys/agents associated with Cusotmer Number 86973 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	Summit Corporation PLC
Name2	
Address 1	91 Milton Park
Address 2	Oxfordshire
City	Abingdon
State	
Postal Code	OX14 4RY
Country	GB

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	12600240
Filing Date	22-Mar-2010
First Named Inventor	Graham Wynne
Art Unit	1636
Examiner Name	ARDIN MARSCHEL
Attorney Docket Number	11808-025-999
Title	Drug Combinations for the Treatment of Duchenne Muscular Dystrophy

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 86973

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	Summit Corporation PLC
Address	91 Milton Park Oxfordshire
City	Abingdon
State	
Postal Code	OX14 4RY
Country	GB

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Dale Rieger/
Name	Dale Rieger
Registration Number	43045

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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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Love, et al.
Appl. No.: 12/600,245
International Filing Date: May 13, 2008
Title: Device For Determining Risk Of Developing Breast Cancer And Metod Thereof
Attorney Docket No.: PB-LOVE.001NP
Pub. No.: US 2010/0256464 A1
Pub. Date: October 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 7, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the first name of the second inventor 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 spelling of the second inventor's first name "John" was misprinted as "Jan" maybe Office error, but it is not a material Office error under 37 CFR 1.221. The misprinting 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).

To avoid this type of problem in the future applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. Applicant's request for a Corrected Filing Receipt was after export of the application to the publisher.

Applicants are encouraged to use and submit an **eADS** (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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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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DEC 08 2010

PCT LEGAL ADMINISTRATION

R. Hain Swope
Intellectual Property Docket Administrator
Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102-5310

In re Application of	:
Lee, et al.	:
Application No.: 12/600,283	: DECISION ON
PCT No.: PCT/KR2008/002466	:
Int. Filing Date: 30 April 2008	: PETITION
Priority Date: 14 May 2007	:
Attorney's Docket No.: 098390-67724	: UNDER 37 CFR 1.47(a)
For: CARAMOYLOXY ARYLALKAN	:
ARYLPIPERAZINE ANALGESICS	:

This is a decision in response to the "PETITION UNDER 37 CFR §1.47(a) With Declaration" filed on 07 October 2010. The $200 petition fee has been paid.

BACKGROUND

On 30 April 2008, applicants filed international application PCT/KR2008/002466 that claimed priority of an earlier Korean application filed 14 May 2007. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 16 November 2009 (14 November 2009 fell on a Saturday).

On 16 November 2009, applicants filed a letter for entry into the national stage in the United States which was accompanied by, inter alia, a copy of the international application, a preliminary amendment, a declaration signed by 5 of the 6 inventors, and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/600,283.

On 19 March 2010, the 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).

On 07 October 2010, applicant filed the current petition along with an affidavit from Jae Gu Shim, emails and receipts from regular mail.

On 08 October 2010, the 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/903), and a "Letter Regarding a New Notice and/or the Status of the Application" (Form PCT/DO/EO/WITH) which vacated the notice mailed 13 March 2010.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing inventor. The petition is missing item (3) above.

With respect to item (1), applicant included the required petition fee.

MPEP §409.03(b) states, in part:

> "Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.
>
> 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."

With respect to item (2), although the affidavit of Jae Gu Shim states that joint inventor Dae Joong Im at one time refused to sign documents pertaining to the present invention (see Shim affidavit ¶7), it is apparent that inventor Im is now cooperating (see Shim affidavit ¶11-12). Thus, it would not be reasonable at the present time to conclude that inventor Im refuses to sign the application papers. Nor would it be reasonable to conclude that inventor Im cannot be found. In particular, applicant has not provided details concerning a diligent effort to locate inventor Im, including searching telephone and Internet directories and contacting Hyunshik Nam and the other inventors.

With respect to item (3), inventor Im's last known address has been provided by applicants.

With respect to item (4), applicant provided a declaration signed by inventors Lee, Yi, Cho, Chae and Choi on behalf of inventor Im.

CONCLUSION

The petition under 35 U.S.C. 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 submit the proper response will result in ABANDONMENT. 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.

Debra Brittingham
PCT Special Programs Examiner
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APR 06 2011

PCT LEGAL ADMINISTRATION

R. Hain Swope
Intellectual Property Docket Administrator
Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102-5310

In re Application of	:
Lee, et al.	:
Application No.: 12/600,283	: DECISION ON
PCT No.: PCT/KR2008/002466	:
Int. Filing Date: 30 April 2008	: PETITION
Priority Date: 14 May 2007	:
Attorney's Docket No.: 098390-67724	: UNDER 37 CFR 1.47(a)
For: CARAMOYLOXY ARYLALKAN	:
ARYLPIPERAZINE ANALGESICS	:

This is a decision in response to the "RENEWED PETITION UNDER 37 CFR §1.47(a) With Petition for Extension of Time" filed on 23 February 2011.

BACKGROUND

On 30 April 2008, applicants filed international application PCT/KR2008/002466 that claimed priority of an earlier Korean application filed 14 May 2007. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 16 November 2009 (14 November 2009 fell on a Saturday).

On 16 November 2009, applicants filed a letter for entry into the national stage in the United States which was accompanied by, inter alia, a copy of the international application, a preliminary amendment, a declaration signed by 5 of the 6 inventors, and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/600,283.

On 19 March 2010, the 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).

On 07 October 2010, applicant filed a petition under 37 CFR 1.47(a) along with an affidavit from Jae Gu Shim, emails and receipts from regular mail.

On 08 October 2010, the 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/903), and a "Letter Regarding a New Notice and/or the Status of the Application" (Form PCT/DO/EO/WITH) which vacated the notice mailed 13 March 2010.

On 08 December 2010, a decision was mailed to applicant indicating that applicant was required to provide more evidence with respect to the lack of signature of inventor Dae Joong Im.

On 23 February 2011, the current renewed petition under 37 CFR 1.47(a) was filed.

DISCUSSION

The submission of a declaration executed by the previously nonsigning inventor is a proper response to the decision mailed on 08 December 2010.

CONCLUSION

The renewed petition under 35 U.S.C. 1.47(a) is **DISMISSED AS MOOT**.

This application is being forwarded to the national stage office for preparation 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) showing a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **23 February 2011.**

Debra Brittingham
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Office of PCT Legal Administration

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/Bryan Lin/
Bryan Lin
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UNITED STATES PATENT and TRADEMARK OFFICE

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NEWARK NJ 07102

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JAN 11 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Kwak et al	:	
Application No: 12/600,291	:	
PCT No.: PCT/KR2008/002470	:	
Int. Filing Date: 30 April 2008	:	PETITION UNDER
Priority Date: 14 May 2007	:	
Attorney's Docket No.: 098390-67700	:	
For: Carbamoyloxy Arylakanoyl ... Analgesics	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a) With ... Extension of Time" filed on 05 October 2010.

BACKGROUND

On 16 November 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). However, no executed declaration or oath was submitted at such time.

On 09 April 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 applicants, *inter alia*, that "the 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... either 37 CFR 1.66 or 37 CFR 1.68" The notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

On 05 October 2010, petitioner filed the present petition, a declaration in support of filing on behalf of non-signing joint inventor Dae Joong Im by Jae Gu Shim, inter alia, an executed Declaration without the signature of joint inventor Dae Joong Im.

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 items (1) and (3) - (4) of 37 CFR 1.47(a) but not item (2).

Regarding item (1), petitioner has been charged the petition fee of $200.00 under 37 CFR 1.17(g) to Deposit Account No.: 03-3839.

Regarding item (2), the averments of Mr. Shim are not sufficient to support a finding that the nonsigning joint inventor, Mr. Im, refuses to sign. 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 signature, and that the inventor refused to sign and return the required papers. Although, Mr. Shim indicates that he emailed to Mr. Im on November 10, 2009 documents to be executed by Mr. Im., it does not appear from the email that a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him for his review and his signature from petitioner. As the email from section evidence 1 indicates only to a United States Declaration (6870.doc) and not the complete application of the above filing. Also, in the email sent to Mr. Im there is no specific reference to the aforementioned application. Even though Mr. Im appears to refuse (evidence 8), he was not presented with a complete copy of the application papers for his review.

Moreover, because it appears that Mr. Im has moved based on the subsequent attempts to contact him and does not reside in his last known address obtain by Mr. Nam, 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**.

Also, Ms. Hardin declaration "I have no forwarding address" fails to show diligent effort to locate him because no search for the above non-signing inventor's new address by using a broad search in the internet, using a phone directory, talking to his former co-workers again (Mr. Nam) and talking to the human resource office has been attempted .

Accordingly, at this time it can not be concluded that the nonsigning co-inventor refuses to sign or could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Regarding item (3), it petitioner has provided a statement of the last known address of the missing inventor.

Dae Joong Im
108-103 Doelim Dure Apt.
SInseong-dong, Yuseong-gu
Daejeon 305-720
Republic of Korea

Regarding item (4), petitioner has provided a properly executed declaration signed without the signature of joint inventor Mr. Im.

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)." 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
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APR 22 2011

PCT LEGAL ADMINISTRATION

GIBBONS P.C.
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NEWARK NJ 07102

In re Application of	:	DECISION ON RENEWED
Kwak et al	:	
Application No: 12/600,291	:	
PCT No.: PCT/KR2008/002470	:	
Int. Filing Date: 30 April 2008	:	PETITION UNDER
Priority Date: 14 May 2007	:	
Attorney's Docket No.: 098390-67700	:	
For: Carbamoyloxy Arylakanoyl ... Analgesics	:	37 CFR 1.47(a)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 23 February 2011.

BACKGROUND

The decision by this Office dated 23 February 2011 indicated that item (2) under 37 CFR 1.47(a) had not been satisfied.

On 23 February 2011, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by previous nonsigning co-inventor Dae Joong Im.

DISCUSSION

The renewed petition has includes a newly executed declaration and declaration is now signed Dae Joong Im. As such the set of declarations is now signed by all the joint inventors.

Accordingly, the declaration submitted on 23 February 2011 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. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **23 February 2011.**

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BOSTON, MA 02199-7610

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PCT LEGAL ADMINISTRATION

In re Application of	:	
HANNA	:	
Application No.: 12/600,338	:	DECISION ON PETITION
Filing Date: November 16, 2009	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 101546-0109 (EYE-008US)	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 8, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.

Under 37 CFR 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) to the prior-filed application, unless previously submitted;

(ii) the surcharge set forth in 37 CFR 1.17(t); and

(iii) a statement that the entire delay between the date the claim was due under 37 CFR 1.78 (a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With regard to item (i), the supplied reference does not properly state the relationship between the present application and international application number PCT/US2008/064112. As set forth in MPEP 201.11, Section III A, 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 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. Furthermore, a benefit claim that merely states that "this application is a continuing application of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) since the proper

relationship, which includes the type of continuing (i.e., continuation, divisional, or continuation-in-part) application, is not stated.

Furthermore, the amendment to the specification is not acceptable as drafted because it improperly includes a statement incorporating the international application by reference. See Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). As set forth in MPEP 201.06(c), Section IV, an incorporation by reference statement added after an application's filing date is impermissible because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). Before the petition under 37 CFR 1.78(a)(3) can be granted, a new amendment must be filed, removing the improper incorporation by reference statement.

With regard to item (ii), the surcharge set forth in 37 CFR 1.17(t) has been submitted.

With regard to item (iii), the petition contains a proper statement of unintentional delay.

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration
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OCT 22 2010

PCT LEGAL ADMINISTRATION

PILLSBURY WINTHROP SHAW
PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Application of BRADY, Keith Rowland Charles, et al. Application No.: 12/600,370 PCT No.: PCT/EP2008/055988 Int. Filing Date: 15 May 2008 Priority Date: 18 May 2007 Docket No.: 011765-0382858 For: APPARATUS AND METHODS OF GENERATING A TEST PATTERN OF DATA, ANALYSING A TEST PATTERN OF DATA, AND TESTING A DATA STORAGE DISK MEDIUM AND/OR A READ/WRITE HEAD	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 13 August 2010.

BACKGROUND

On 15 March 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) was required.

On 13 August 2010, applicants filed a declaration of the inventors, accompanied by a petition under 37 CFR 1.47(a) and the fee for a three month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) and (4) have been met. The $200 petition fee has been paid. Applicants sent the inventor a complete copy of the application papers and the inventor has declined to return a signed oath or declaration. Applicant states the last known address of Mr. Paul Harvey Ronald Jolly as 5 Lakeside; Funtley, Fareham; Hants PO17 5EP; United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

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 **13 August 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Commissioner for Patents
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OCT 22 2010

PCT LEGAL ADMINISTRATION

Paul Harvey Ronald Jolly
5 Lakeside
Funtley, Fareham
Hants PO17 5EP
United Kingdom

In re Application of
BRADY, Keith Rowland Charles, et al.
Application No.: 12/600,370
PCT No.: PCT/EP2008/055988
Int. Filing Date: 15 May 2008
Priority Date: 18 May 2007
Docket No.: 011765-0382858
For: APPARATUS AND METHODS OF GENERATING A TEST PATTERN OF DATA, ANALYSING A TEST PATTERN OF DATA, AND TESTING A DATA STORAGE DISK MEDIUM AND/OR A READ/WRITE HEAD

Dear Mr. Jolly:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
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Docket No.: 19036/45132
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yusuke Ohta et al.

Application No.: 12/600,389 | Confirmation No.: 8202

Filed: April 19, 2010 | Art Unit: Not Yet Assigned

For: Graphite Film and Graphite Composite Film | Examiner: Not Yet Assigned

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to a decision dated July 26, 2010 to dismiss the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 15, 2010, to make the above-identified application special.

The request and petition were dismissed because applicants failed to meeting the following conditions:

> "(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."

In response to condition (3), applicants hereby submit an English language translation of the claims of PCT/JP2006/058910. The English translation has been verified as accurate. As noted in the communication of July 26, 2010, applicants previously filed a verified translation of the allowed claims in Japanese patent application No. 2009-515184.

In response to condition (2), applicants provide the following comments as to why the claims are not subject to the observations in Box VIII of the Written Opinion.

In the Box VIII of the Written Opinion, it is stated that the parameters specified in claims 1 and 3 are not usually employed in the relevant technical field, and it is impossible to identify the scope of graphite films specified by such parameters, even in consideration of the common general technical knowledge prevailing at the time of filing the present application. A copy of an English translation of the Written Opinion, including Box VIII, is submitted with this response.

The reason why the claims recite such parameters is because it is impossible to define a graphite film of the present invention unless these parameters are used. In other words, because the graphite films of the present invention have incomparably greater flexibility than prior graphite films, it is impossible to define the claimed graphite films by ordinarily used parameters.

In examination at the Japanese Patent Office, all pending claims were rejected as lacking novelty or inventive step because it is highly probable that the same graphite film as presently claimed can be found or obtained in the following references:

1. Japanese Laid-Open Patent Publication No. 2000-178016;

2. Japanese Laid-Open Patent Publication No. HEI08-267647;

3. Japanese Laid-Open Patent Publication No. 2004-299937;

4. Japanese Laid-Open Patent Publication No. 2001-068608;

5. Japanese Laid-Open Patent Publication No. 2000-169125; and

6. Japanese Patent Application No. 2007-104777 (Japanese Laid-Open Patent Publication No. 2008-120668).

In response to the Japanese Office Action, the inventors submitted the results of an Experiment for Comparison (see enclosed Table) showing that a graphite film obtained by the above references did not satisfy the claimed parameters. As a result, the rejection of the claims was withdrawn.

Therefore it is submitted that the present claims are not subject to the observations in Box VIII of the Written Opinion.

In view of this response, it is submitted that the grounds for dismissing applicants' request to participate in the PCT-PPH program and to make the above-identified application special have been overcome, and that the request and petition should be granted.

Dated: August 20, 2010

Respectfully submitted,

By_____

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Registration No.: 32,361
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233 S. Wacker Drive
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(312) 474-6300
Attorney for Applicant

[Table]

			Thickness of Raw Film	Carbonization	Graphitization	thermal diffusivity coefficient	R=5mm			R=2mm			R=1mm		
				Max.Temp.	Max.Temp.		45°	90°	135°	45°	90°	135°	45°	90°	135°
	Ref.	described in	μm	°C	°C	cm^2/s	No. of foldings	No. of foldings	No. of foldings	No. of foldings	No. of foldings	No. of foldings	No. of foldings	No. of foldings	No. of foldings
Exp for Comparison															
Exp.1	Ref.1	Example12	75	1300	2700	6.8	>100000	>100000	2075	>100000	>100000	1052	>100000	>100000	325
Exp.2	Ref.1	[0029]	75	1300	2700	6.8	>100000	>100000	>100000	>100000	>100000	2012	>100000	>100000	1180
Exp.3	Ref.2	Example5	25	1000	2800	7.3	>100000	>100000	3967	>100000	8792	439	>100000	5978	203
Exp.4	Ref.3	Example3	50	800→1000		7.2	>100000	>100000	2398	>100000	>100000	890	>100000	9343	775
Exp.5	Ref.3	Example7	50	→2000→2800°C		7.2	>100000	>100000	2462	>100000	>100000	643	>100000	8763	349
Exp.6	Ref.4	[0063]	44	1000	3000	2.6	>100000	532	4	>100000	35	2	>100000	8	1
Exp.7	Ref.5	Example2(1)[3]	75	800	2700	6.5	>100000	>100000	1250	>100000	>100000	333	>100000	>100000	55
Exp.8	Ref.5	Example2(1)[4]	75	800	2850[1]	8.2	>100000	>100000	3846	>100000	>100000	1342	>100000	>100000	367
Exp.9	Ref.5	Example2(2)[5]	75	800	2700	6.4	>100000	>100000	525	>100000	903	198	>100000	255	5
Exp.10	Ref.5	Example2(2)[6]	75	800	2850[1]	8.2	>100000	>100000	1893	>100000	2954	845	>100000	1034	26
Exp.11	Ref.5	Example2(3)[7]	75	800	2700	6.3	>100000	>100000	257	>100000	508	7	>100000	210	2
Exp.12	Ref.5	Example2(3)[8]	75	800	2850[1]	7.9	>100000	>100000	1028	>100000	1843	32	>100000	893	8
Exp.13	Ref.6	Embodiment 1	75	1000	2800	7.2	>100000	>100000	>100000	>100000	>100000	3204	>100000	>100000	1892
Examples in Present Applicati															
Present Application		Example1	75	1000	3000	9.1	>100000	>100000	>100000	>100000	>100000	104352	>100000	>100000	98342
		Example2	50	1000	3000	9.2	>100000	>100000	>100000	>100000	>100000	92923	>100000	>100000	78291
		Example3	75	1000	2900	8.8	>100000	>100000	>100000	>100000	>100000	50899	>100000	>100000	40030
		Example4	75	1000	2800	8.3	>100000	>100000	>100000	>100000	>100000	43349	>100000	>100000	24533
		Example5	75	1000	3000	9.3	>100000	>100000	>100000	>100000	>100000	12398	>100000	>100000	14899
		Example6	75	1000	3000	7.2	>100000	>100000	>100000	>100000	>100000	11239	>100000	>100000	10006

1)To match the thermal diffusivity, additional experiment for comparison is also conducted at a different max. graphitization temp. of 2850° than Ref 5.
2)Test Condition of Folding Endurance Test…Testing apparatus: MIT flex resistant testing machine model D manufactured by TOYO SEIKI Co., Ltd.,MODE: N (Normal test), test load of 100 gf (0.98 N), outer diameter of spring of 14mm, distance between chucks of 50mm, a rate of 90 times/min, with two series of a curvature radius R of the bending clamp being 1 mm, 2 mm and 5mm, folding angle: 0°, 45°, 90°, and 135° to right and left.
3) A graphite sheet having of a thickness of 100 μm is obtained although trying to form an expanded graphite sheet having a thickness of 120 μm in Table 3.
4) A graphite sheet having of a thickness of 120 μm is obtained by heating up to the maximum graphitizing temperature of 2850°C.
5) A graphite sheet having of a thickness of 220 μm is obtained although trying to form an expanded graphite sheet having a thickness of 250 μm in Table 3.
6) A graphite sheet having of a thickness of 250 μm is obtained by heating up to the maximum graphitizing temperature of 2850°C.
7) A graphite sheet having of a thickness of 550 μm is obtained although trying to form an expanded graphite sheet having a thickness of 600 μm in Table 3.
8) A graphite sheet having of a thickness of 600 μm is obtained by heating up to the maximum graphitizing temperature of 2850°C.

DECLARATION

I, the undersigned, Masahiro HATAKEYAMA of c/o Patent Corporate Body ARCO PATENT OFFICE, 3rd. Fl., Bo-eki Bldg., 123-1, Higashimachi, Chuo-ku, Kobe-shi, Hyogo 650-0031, JAPAN, hereby declare that I am conversant with Japanese and English languages and that attached is, to the best of my knowledge and belief, a true translation of claims of International Application No. PCT/JP2008/058910, filed on May 15, 2008.

Dated this 16th day of August, 2010

M. Hatakeyama

Masahiro HATAKEYAMA

English translation of the claims in PCT/JP2008/058910

CLAIMS:

1. A graphite film exhibiting the number of reciprocal foldings being 10,000 times or more as measured using a rectangular strip test piece having a width of 15 mm until the test piece breaks in a MIT folding endurance test under conditions of: a curvature radius R of the bending clamp being 2 mm; a left-and-right bending angle being 135 degrees; a bending rate being 90 times/min; and a load being 0.98 N.

2. The graphite film according to claim 1, which is a graphite film obtained by subjecting a source material film consisting of a polymer film and/or a carbonized polymer film to a heat treatment at a temperature of 2,000°C or higher, wherein said graphite film has, on an SEM image of the surface at a magnification of 400 x, the area of a white region accounting for not less than 1% and not greater than 8.5% of the image defined by binarization to black and white with a threshold of 160 and further thinning of the white region of the binarized image.

3. The graphite film according to claim 1 or 2, said graphite film exhibiting the number of reciprocal foldings being 10,000 times or more as measured using a rectangular strip test piece having a width of 15 mm until the test piece breaks in a MIT folding endurance test under conditions of: a curvature radius R of the bending clamp being 1 mm; a left-and-right bending angle being 135 degrees; a bending rate being 90 times/min; and a load being 0.98 N.

4. The graphite film according to any one of claims 1 to 3, wherein the graphite film has a coefficient of thermal

diffusivity in a planer direction of not less than 8.0×10^{-4} m^2/s.

5. A graphite composite film comprising a plastic film formed on a part of any one the graphite film according to any one of claims 1 to 4 via an adhesive material.

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 B070081WO01-	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/058910	15.05.2008	17.05.2007

International Patent Classification (IPC) or both national classification and IPC

Applicant
KANEKA CORPORATION

1. This opinion contains indications relating to the following items:

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 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
- [x] 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/JP2008/058910

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/JP2008/058910

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 2007-031237 A (Kaneka Corp.), 08 February 2007, (Family: none)

Document 2: JP 2005-314168 A (Kaneka Corp.), 10 November 2005, (Family: none)

Document 3: JP 2002-308611 A (Ube Industries, Ltd.), 23 October 2002, (Family: none)

Document 4: JP 7-109171 A (Matsushita Electric Industrial Co., Ltd.), 25 April 1995, (Family: none)

(Shown above are the documents cited in the ISR.)

The invention as in claims 1-5 is novel and involves an inventive step over the documents cited in the ISR.

In particular, the graphite film produced under the conditions specifically disclosed in the description of the present application (particularly, see paragraphs [0043] to [0069]; examples, etc.) is not disclosed in any of the documents cited in the ISR nor would it be easy for a person skilled in the art to employ said manufacturing conditions.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/058910

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The parameters specified in claim 1, which describes "a reed-shape test piece of 15mm in width withstands, until the test piece breaks, at least 10,000 cycles of reciprocatory bending in an MIT flex resistance test performed using a bending clamp having a curvature radius R of 2mm at a right-left bending angle of 135°, at a bending speed of 90 cycles/min under a load of 0.98N," and in claim 2, which describes "where an SEM image at 400× magnification of the surface of a graphite film is digitalized using a threshold of 160, and when the white region of the digitalized image is further subjected to thinning process, the area of the resultant image accounts for 1% to 8.5%," and in claim 3, which describes "a reed-shape test piece of 15mm in width withstands, until the test piece breaks, at least 10,000 cycles of reciprocatory bending in an MIT flex resistance test performed using a bending clamp having a curvature radius R of 1mm at a right-left bending angle of 135°, at a bending speed of 90 cycles/min under a load of 0.98N," are not usually employed in the relevant technical field, and it is impossible to identify the scope of graphite films specified by such parameters even in consideration of the common general technical knowledge prevailing at the time of filing the present application; hence, claims 1-5 fail to comply with the requirement of clarity provided for in PCT Article 6.

Therefore, the search has been performed only on the graphite films produced under the conditions specifically disclosed in the description.

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.
12/600,389	04/19/2010	Yusuke Ohta	19036/45132	8202

4743 7590 08/25/2010
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

EXAMINER

ART UNIT	PAPER NUMBER
1784	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BC

August 24, 2010

In re application of	:	DECISION ON REQUEST TO
Yusuke Ohta et al.	:	PARTICIPATE IN PATENT
Serial No. 12/600,389	:	PROSECUTION HIGHWAY
Filed: November 16, 2009	:	PROGRAM AND
For: GRAPHITE FILM AND GRAPHITE	:	PETITION TO MAKE SPECIAL
COMPOSITE FILM	:	UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition 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.
12/600,389	04/19/2010	Yusuke Ohta	19036/45132	8202

4743 7590 09/21/2010
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EXAMINER
MCCRACKEN, DANIEL

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
09/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BC

September 21, 2010

In re application of	:	DECISION ON REQUEST TO
Yusuke Ohta et al.	:	PARTICIPATE IN PATENT
Serial No. 12/600,389	:	PROSECUTION HIGHWAY
Filed: November 16, 2009	:	PROGRAM AND
For: GRAPHITE FILM AND GRAPHITE	:	PETITION TO MAKE SPECIAL
COMPOSITE FILM	:	UNDER 37 CFR 1.102(a)

The PPH decision mailed on August 25, 2010 is vacated in view of the below decision.

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program, filed August 20, 2010, 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, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

Conditions (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), claim 12, which was added in the preliminary amendment of July 15, 2010, does not sufficiently correspond to any of the claims in the PCT/JP2006/058910.

Any response must be filed via the Electronic Filing System (EFS). 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 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.
12/600,389	04/19/2010	Yusuke Ohta	19036/45132	8202

4743 7590 10/26/2010
MARSHALL, GERSTEIN & BORUN LLP
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EXAMINER
MCCRACKEN, DANIEL

ART UNIT	PAPER NUMBER
1736	

NOTIFICATION DATE	DELIVERY MODE
10/26/2010	ELECTRONIC

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@marshallip.com

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Commissioner for Patents
United States Patent and Trademark Office
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October 25, 2010

In re application of Yusuke Ohta et al. Serial No. 12/600,389 Filed: November 16, 2009 For: GRAPHITE FILM AND GRAPHITE COMPOSITE FILM	: : : : : :	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 for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to 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

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/600,464	Filing date:	11/16/2009
First Named Inventor:	Johannes Tuelings		
Title of the Invention:	Motor Phenomenon Measurement		

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/US2008/006292

The international date of the corresponding PCT application(s) is/are: May 16, 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.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/600,464
First Named Inventor:	Johannes Tuelings

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	Claim 1 combined with Claim 2
4	4	Claim 4 independent
5	5	Same
6	7	Claim 7 combined with Claim 6
8	8	Same
10	10	Same
12-28	12-28	Same
30	30	Same
31	31	Same
32	32	Claim 32 combined with Claim 29
33	33	Claim 33 combined with Claim 29

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /barbarajluther/	Date
Name (Print/Typed) Barbara J. Luther	Registration Number 33954

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/600,464	11/16/2009	Johannes Leonardus Hermanus Maria Teulings	NS-01PCTUS	8973

51951 7590 09/14/2010
THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE, AZ 85259

EXAMINER

ART UNIT	PAPER NUMBER
3736	

NOTIFICATION DATE	DELIVERY MODE
09/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@THELUTHERLAWFIRM.COM
bjl@thelutherlawfirm.com

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THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

In re Application of	:	
TEULINGS, JOHANNES LEONARDUS HERMANUS MARIA	:	DECISION ON REQUEST TO
Application No. 12/600,464	:	PARTICIPATE IN PATENT
Filed: Nov. 16, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. NS-01PCTUS	:	PROGRAM AND PETITION
For: MOTOR PHENOMENON MEASUREMENT	:	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. 10, 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 Max Hindenburg, the SPE of Art Unit 3736 and 571-272-4726 for Class 600/595 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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Fitch Even Tabin & Flannery
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

MAILED
OCT 28 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	
BURTON-WILCOCK et al.	:	
U.S. Application No.: 12/600,472	:	
PCT No.: PCT/US2008/063833	:	DECISION ON PETITION
Int. Filing Date: 16 May 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: 18 May 2007	:	
Attorney Docket No.: 1410/77557	:	
For: METHODS FOR OPERATING BEVERAGE PREPARATION MACHINES	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(b) for Filing Application on Behalf of Non-Signing Inventor" filed 08 September 2010. Applicants' request is being treated under 37 CFR 1.47(a) to accept the application without the signature of joint-inventor, Gary Vincent Burton-Wilcock. The $200 petition fee has been submitted.

BACKGROUND

On 16 May 2008, applicants filed international application PCT/US2008/063833 which claimed a priority date of 16 May 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 November 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 November 2009.

On 17 November 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment, and an application data sheet.

On 08 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration. The notification set a two-month time limit in which to respond.

On 08 September 2010, applicants filed a Petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Gary Vincent Burton-Wilcock refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(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.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor. The documents provided to Gary Vincent Burton-Wilcock included instructions to the sign and return the declaration. Further, the subject petition noted that the documents were delivered to Gary Vincent Burton-Wilcock on 16 August 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

As to item(4), the declaration filed 08 September 2010 is defective pursuant to 37 CFR 1.497(a)(3) which requires the declaration to identify each inventor and the country of citizenship of each inventor. Here, the declaration executed by the inventors does not contain a complete listing of all inventors. Specifically, the declaration fails identify the name and citizenship of inventor Collin Darrel Ballard Therefore, the declaration is defective pursuant to 37 CFR 1.497. Item (4) is therefore not satisfied.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298

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Fitch Even Tabin & Flannery
120 South Lasalle Street
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Chicago, IL 60603-3406

MAILED
03 DEC 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	
BURTON-WILCOCK et al.	:	
U.S. Application No.: 12/600,472	:	
PCT No.: PCT/US2008/063833	:	DECISION ON PETITION
Int. Filing Date: 16 May 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: 18 May 2007	:	
Attorney Docket No.: 1410/77557	:	
For: BEVERAGE PREPARATION MACHINES AND METHODS FOR OPERATING BEVERAGE PREPARATION MACHINES	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(b) for Filing Application on Behalf of Non-Signing Inventor" filed 23 November 2010 to accept the application without the signature of joint-inventor, Gary Vincent Burton-Wilcock.

BACKGROUND

On 16 May 2008, applicants filed international application PCT/US2008/063833 which claimed a priority date of 16 May 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 287 November 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 November 2009.

On 17 November 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment, and an application data sheet.

On 08 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration. The notification set a two-month time limit in which to respond.

On 08 September 2010, applicants filed a Petition under 37 CFR 1.47(a). In a decision dated 28 October 2010, applicants' petition under 37 CFR 1.47(a) was dismissed

without prejudice.

On 23 November 2010, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Gary Vincent Burton-Wilcock refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(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.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor. The documents provided to Gary Vincent Burton-Wilcock included instructions that the sign and return the declaration. Further, the subject petition noted that the documents were delivered to Gary Vincent Burton-Wilcock on 16 August 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Gary Vincent Burton-Wilcock). This declaration is treated as having been executed by the available

inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.[1]

For the reasons stated above, it is appropriate to accept the application without the signature of Gary Vincent Burton-Wilcock under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298

[1]In the previous Decision on Petition, the declaration was considered defective because said declaration did not identify an inventor (Collin Darrel Ballard) listed on the published international application. Petitioner has submitted a Notification of the Recording of a Change (Form PCT/IB/306) indicating that Collin Darrel Ballard has been deleted as an inventor prior to entering into the national stage in the United States of America.

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Gary Burton-Wilcock
Old Serle's Farmhouse, Black Bull Lane
Fencott
Kidlingon, Oxfordshire OX5 2RD
Great Britain

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of
BURTON-WILCOCK et al.
U.S. Application No.: 12/600,472
PCT No.: PCT/US2008/063833
Int. Filing Date: 16 May 2008
Priority Date: 18 May 2007
Attorney Docket No.: 1410/77557
For: BEVERAGE PREPARATION MACHINES AND METHODS FOR OPERATING BEVERAGE PREPARATION MACHINES

Dear Mr. Burton-Wilcock:

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:
Fitch Even Tabin & Flannery
120 South Lasalle Street
Suite 1600
Chicago, IL 60603-3406

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07609
RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

MAILED

NOV 04 2010

PCT LEGAL ADMINISTRATION

In re Application of
BANIK *et al*
U.S. Application No.: 12/600,475
PCT No.: PCT/EP2008/003801
Int. Filing Date: 10 May 2008
Priority Date: 31 May 2007
Attorney Docket No.: FER-17111.001.002
For: BAKEABLE, SCREEN-PRINTABLE ANTI-REFLECTION COATING FOR GLASS

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 24 May 2010.

BACKGROUND

On 17 November 2009, applicants filed papers using the USPTO EFS-Web system as the national stage of PCT/US2008/003801. Several other papers filed on the initial filing listed the international application as PCT/EP2008/003801.

On 04 January 20110, an executed declaration was filed.

On 04 May 2010, a communication was mailed notifying applicants of the problem and requesting a petition to correct the PCT number.

On 24 May 2010, applicants filed the subject petition which was accompanied by a $400.00 petition fee.

DISCUSSION

Applicants' petition under 37 CFR 1.182 to correct the PCT number in the above-captioned national stage application to PCT/EP2008/003801. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number (PCT/US2008/00380) was designated when filing the application electronically using the USPTO EFS-Web. The transmittal letter (PTO-1390) also listed the wrong

international application number.

Nonetheless, the ADS, specification, claims, and international papers correspond to PCT/EP2008/003801. WIPO records show that the title, international filing date, priority date and listed applicants correspond to PCT/EP2008/003801, not PCT/US2008/003801. Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2008/003801.

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/EP2008/003801.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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DEC 03 2010

PCT LEGAL ADMINISTRATION

SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT
P.O. BOX 425045
CAMBRIDGE MA 02142

In re Application of	:	
TRACY, Mark S., et al.	:	
Application No.: 12/600,480	:	
PCT No.: PCT/US2008/002271	:	
Int. Filing Date: 19 February 2008	:	DECISION
Priority Date: 11 April 2007	:	
Docket No.: 57.0778 US PCT	:	
For: METHOD OF LOCATING A	:	
RECEIVER IN A WELL	:	

This is a decision on applicant's petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 28 September 2010 and petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office on 21 June 2010.

BACKGROUND

On 17 November 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers identified the filing as a national phase entry of PCT/GB2008/002271, while electronic data identified the filing as a national phase entry of PCT/US08/002271.

On 20 April 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 21 June 2010, applicants filed a declaration of the inventor, accompanied by a petition under 37 CFR 1.47(a).

On 09 September 2010, the Office mailed Notification indicating that applicants had identified the above application as the national phase of more than one international application.

On 28 September 2010, applicants filed a petition under 37 CFR 1.182 and identified this application as the national phase entry of PCT/GB2008/002271.

DISCUSSION

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number. Applicants have filed a petition under 37 CFR 1.182 along

with the fee and have indicated that this application was intended to be the national phase entry of PCT/GB2008/002271. The indications in the file will be corrected to indicate PCT/GB2008/002271.

Petition Under 37 CFR 1.47(a)

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), (2), (3) and (4) have been met. The $200 petition fee will be charged to deposit account no. 19-0615, as authorized. Applicant states the last known address of Mr. Leo Eisner as Kubikova 1180/9, Praha 8, 18200 Czech Republic. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

CONCLUSION

For the above reasons, applicant's petitions under 37 CFR 1.47(a) and 1.182 are **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **21 June 2010**.

/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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DEC 03 2010

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Leo Eisner
Kubikova 1180/9
18200 Praha 8,
Czech Republic

In re Application of
EISNER, Leo, et al.
Application No.: 12/600,480
PCT No.: PCT/GB2008/002271
Int. Filing Date: 02 July 2008
Priority Date: 03 July 2007
Docket No.: 57.0778 US PCT
For: METHOD OF LOCATING A RECEIVER IN A WELL

Dear Mr. Eisner:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

SCHLUMBERGER-DOLL RESEARCH
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23338
DENNISON, SCHULTZ & MACDONALD
1727 King Street
Suite 105
Alexandria, VA 22314

MAILED
NOV 28 2011
PCT LEGAL ADMINISTRATION

In re Application of :
LUCAS, Béatrice :
U.S. Application No.: 12/600,515 :
PCT No.: PCT/EP2008/058511 :
Int. Filing Date: 02 July 2008 :
Priority Date: 02 July 2007 :
Attorney Docket No.: 09091 :
For: NOVEL METHOD OF SYNTHESIZING :
FENOFIBRATE :

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed on 04 October 2011.

BACKGROUND

On 17 November 2009, applicant filed papers to entered the national stage of PCT/FR2008/058511 using the USPTO EFS-Web system. The transmittal letter and Application Data Sheet (ADS) also identified the international application as PCT/FR2008/058511; however, the declaration (unsigned) recorded the international application as PCT/EP2008/058511. The Office processed the application as the national stage of PCT/FR2008/058511 as requested.

On 02 September 2010, applicant filed an executed declaration listing the PCT number as PCT/FR2008/058511.

On 04 August 2011, a communication was mailed requesting clarification on the PCT number. Applicant was given two months to respond.

On 04 October 2011, applicant filed the subject petition under 37 CFR 1.182 which was accompanied by, *inter alia*, a substitute declaration.

DISCUSSION

Applicant's petition to correct the PCT number in the above-captioned national stage application to PCT/EP2008/058511.

The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was identified (PCT/FR2008/058511) when filing the application electronically using the USPTO EFS-Web system and on the transmittal letter and ADS. PCT/FR2008/058511 is not a valid international application number.

Applicant states in the petition that the correct international application is PCT/EP2008/058511. The declaration filed with the national stage papers properly identified the international application as PCT/EP2008/058511. This PCT number corresponds to the title, international filing date, and name of inventor.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2008/058511.

CONCLUSION

Applicant's 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/EP2008/058511.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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:	12/600,531	Filing date:	November 17, 2009
First Named Inventor:	Paul Headland		
Title of the Invention:	FUEL DISTRIBUTOR		

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/EP2008/055762

The international date of the corresponding PCT application(s) is/are:

May 9, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **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.:	12/600,531
First Named Inventor:	Paul Headland

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 November 17, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 17, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
14, 27	1	US claim as per Preliminary Amendment filed 11/17/2009
15, 28	2	US claim as per Preliminary Amendment filed 11/17/2009
16, 29	3	US claim as per Preliminary Amendment filed 11/17/2009
17, 30	4	US claim as per Preliminary Amendment filed 11/17/2009
18, 31	5	US claim as per Preliminary Amendment filed 11/17/2009
19	6	US claim as per Preliminary Amendment filed 11/17/2009
20	7	US claim as per Preliminary Amendment filed 11/17/2009
21	8	US claim as per Preliminary Amendment filed 11/17/2009
22	9	US claim as per Preliminary Amendment filed 11/17/2009
23	10	US claim as per Preliminary Amendment filed 11/17/2009
24	11	US claim as per Preliminary Amendment filed 11/17/2009
25	12	US claim as per Preliminary Amendment filed 11/17/2009
26	13	US claim as per Preliminary Amendment filed 11/17/2009

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Tina Gonka/	Date	February 25, 2011
Name (Print/Typed)	Tina Gonka	Registration Number	L0623

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/600,531	11/17/2009	Paul Headland	2007P05322WOUS	9578

22116 7590 03/02/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
03/02/2011	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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
HEADLAND, PAUL et al	: DECISION ON REQUEST TO
Application No. 12/600,531	: PARTICIPATE IN PATENT
Filed: Nov. 17, 2009	: PROSECUTION HIGHWAY
Attorney Docket No. 2007P05322WOUS	: PILOT PROGRAM AND PETITION
For: FUEL DISTRIBUTOR	: 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 Feb. 25, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Mike Cuff, the SPE of Art Unit 3741 and (571)272-6778 for Class 60/737 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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/600,587	08/06/2010	Scott Richardson	P0661.70005US00	1009

23628 7590 04/18/2011
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

ART UNIT	PAPER NUMBER
2469	

MAIL DATE	DELIVERY MODE
04/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of: Scott RICHARDSON
Application No. 12600587
Filed: Nov 17, 2009
For: BACKUP NETWORK CONNECTIVITY

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 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 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 UKIPO, 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 UKIPO, 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 UKIPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the UKIPO 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 UKIPO application that contains the allowable/patentable claims and the UKIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO 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 UKIPO application is a first action allowance then no office action from
the UKIPO 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 UKIPO 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 UKIPO examiner in the UKIPO 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 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 Kim Huynh at 571-272-4147

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400

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PCT LEGAL ADMINISTRATION

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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

In re Application of	: DECISION ON
MOULIN et al	:
Application No.: 12/600,591	:
PCT No.: PCT/EP2008/056057	: PETITION UNDER
Int. Filing Date: 16 May 2004	:
Priority Date: 18 May 2003	: 37 CFR 1.47(a)
Attorney's Docket No.: 4195-083	:
For: Installation... Treatment Method	:

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed on 29 November 2010.

BACKGROUND

In a decision from this Office on 28 July 2010, the petition filed under 37 CFR 1.47(a) was dismissed. The decision stated that items (1) – (3) under 37 CFR 1.47(a) were not met.

On 28 July 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" indicating that the attachments filed with the petition satisfies the requirements of items (1) - (3).

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.

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 now satisfied items (1) and (3) of 37 CFR 1.47(a). Thus satisfying items (1), (3)-(4) but not item (2).

Regarding item (1), petitioner has provided the petition fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), petitioner states in the renewed petition filed on November 29, 2010 that a registered letter was sent on September 10, 2010 to Mr. Badard's last known address that included complete copy of the application papers and it was received by him on September 11, 2010. In addition, as of November 29, 2010 Mr. Badard has not returned the signed documents.

Although documentary evidence to support this assertion has been provided such as the postal receipt, and the cover letter but documents are in French, and no English translations have been provided. Consequently, it is unclear what is said in these documents. A translation into English is required.

Regarding item (3), petitioner has provided the last known addresses of the non-signing heirs.

Mr. Michel Badard
32 avenue du Progres
92140 Clamart, France

Consequently, petitioner has not satisfied 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 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

MAILED
APR 27 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
MOULIN et al	:	
Application No.: 12/600,591	:	
PCT No.: PCT/EP2008/056057	:	PETITION UNDER
Int. Filing Date: 16 May 2004	:	
Priority Date: 18 May 2003	:	37 CFR 1.47(a)
Attorney's Docket No.: 4195-083	:	
For: Installation... Treatment Method	:	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 23 February 2011 that seeks the acceptance of the application without the signature of the joint inventor Michael Badard.

BACKGROUND

In a decision from this Office on 01 February 2011, the petition filed on 29 November 2010 was dismissed.

On 23 February 2011, petitioner filed the present renewed petition accompanied with an English translation of the documentary evidence.

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 23 February 2011 has satisfied the all the items under 37 CFR 1.47(a).

Item (2) has been satisfied because petitioner has submitted translated copies of documentary evidence such as mail receipts and cover letter to support the assertion that the complete applications papers were mailed and received by Mr. Badard and his refusal to sign the required papers.

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) 272-3276
Facsimile: (571) 273-0459

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

In re Application of:	:	
BREMNER, Duncan	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/600,594	:	37 CFR 1.47(b)
PCT No.: PCT/GB2008/001619	:	
International Filing Date: 09 May 2008	:	
Priority Date: 24 May 2007	:	
Attorney Docket No.: 136724.00301	:	
For: NETWORK AUTHENTICATION	:	

This decision is issued in response to the "Petition Under 37 CFR §1.47(b)" filed on 03 September 2010. Petitioner has submitted $130 as the petition fee; however, the applicable petition fee is $200. Deposit Account No. 50-0436 will be charged the additional $70 required to complete the petition fee.

BACKGROUND

On 09 May 2008, applicant filed international application PCT/GB2008/001619. The application claimed a priority date of 24 May 2007, and it designated the United States. On 27 November 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., 24 November 2009.

On 17 November 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 10 March 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 03 September 2010, a response to the Notification Of Missing Requirements was filed (with required four-month extension fee). The response included payment of the required surcharge and the "Petition Under 37 CFR §1.47(b)" considered herein. The petition requests acceptance of the application without the signature of the sole inventor of record, whom petitioner asserts has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration 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. 50-0436 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." nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Petitioner here has submitted a statement from Johanna McCormick, with supporting documents, providing firsthand confirmation that requests for signature accompanied by a copy of the application have been forwarded to the non-signing inventor at his last known address and via email and that the inventor has not responded to such requests. The petition also includes evidence confirming that at least one such request, forwarded by courier, was signed for by the inventor at his address. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (2) is therefore satisfied.

Regarding item (3), the petition 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 not accompanied by an oath or declaration signed on behalf of the inventor by an authorized representative of the assignee and 37 CFR 1.47(b) applicant ITI Scotland Limited (ITI). Item (4) is therefore not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant

> otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Here, the petition does not assert that the application has been expressly assigned to the 37 CFR 1.47(b) applicant. Rather, petitioner asserts that the inventor had agreed in writing (via an employment contract) to assign the invention to his ITI. With respect to such a claim, the MPEP states the following:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

The present petition includes a copy of the employment agreement pursuant to which the inventor was purportedly obligated to transfer his rights in the present invention to ITI. However, petitioner has not provided the required "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," as necessary to establish that the invention underlying the present application falls within the scope of the provided employment agreement. Until such a statement is provided, item (5) of a grantable petition under 37 CFR 1.47(b) is not 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 failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy items (4) and (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

MAILED
FEB 01 2011
PCT LEGAL ADMINISTRATION

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

In re Application of: BREMNER, Duncan	:	
U.S. Application No.: 12/600,594	:	DECISION ON RENEWED
PCT No.: PCT/GB2008/001619	:	PETITION
International Filing Date: 09 May 2008	:	(37 CFR 1.47(b))
Priority Date: 24 May 2007	:	
Attorney Docket No.: 136724.00301	:	
For: NETWORK AUTHENTICATION	:	

This decision is issued in response to the "Request For Reconsideration Of Petition Under 37 C.F.R. §1.47(b)" filed on 03 December 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in detail in the decision mailed on 08 October 2010. The decision dismissed without prejudice the petition under 37 CFR 1.47(b), finding that petitioner had not satisfied all the requirements of a grantable petition. Specifically, petitioner had not provided an oath or declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant, ITI Scotland Limited (ITI), and an acceptable showing of ITI's proprietary interest in the present application.

On 03 December 2010, petitioner filed the "Request For Reconsideration Of Petition Under 37 C.F.R. §1.47(b)" considered herein.

DISCUSSION

Regarding declaration requirement, the present renewed petition is accompanied by a declaration executed by ITI on behalf of and as agent for the non-signing inventor Duncan BREMNER. This declaration satisfies the declaration requirement of a grantable petition under 37 CFR 1.47(b).

Regarding the proprietary interest requirement, the present renewed petition includes a statement from David Middleton, identified as an IP Analyst and authorized representative of ITI, in which Mr. Middleton states that he has firsthand knowledge that the invention underlying the present application was made by the non-signing inventor within the scope of his employment agreement with ITI. This statement, in combination with the attached materials and those filed with the original petition, is accepted as the required showing of ITI's proprietary

interest in the present application. This final element of a grantable petition under 37 CFR 1.47(b) is therefore satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Duncan BREMNER.

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 03 December 2010.

/RichardMRoss/

Richard M. Ross
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FEB 01 2011

PCT LEGAL ADMINISTRATION

Mr. Duncam BREMNER
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Johnshill
Lochwinnoch
Scotland PA12 4EL
UNITED KINGDOM

In re Application of: BREMNER, Duncan
U.S. Application No.: 12/600,594
PCT No.: PCT/GB2008/001619
International Filing Date: 09 May 2008
Priority Date: 24 May 2007
Attorney Docket No.: 136724.00301
For: NETWORK AUTHENTICATION

Dear Mr. BREMNER:

You are identified as the inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Joseph T. Helmsen
PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

MAILED
JUN 27 2011
OFFICE OF PETITIONS

Applicants: Jee Keng James Lim
Appl. No.: 12/600,635
International Filing Date: May 9, 2008
Title: COMPOSITE CEMENT PANEL
Attorney Docket: 46601.003US1
Pub. No.: US 2010/0189953 A1
Pub. Date: July 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 2, 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 wherein the Article 19 amendment was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the Article 19 amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

The requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the patent application publication may also be based

[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).

upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) § 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on September 7, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

Applicants: Jee Keng James Lim
Appl. No.: 12/600,635
International Filing Date: May 9, 2008
Title: COMPOSITE CEMENT PANEL
Attorney Docket: 46601.003US1
Pub. No.: US 2010/0189953 A1
Pub. Date: July 29, 2010

This is a decision on the communication received August 26, 2011, entitled "REQUEST FOR RECONSIDERATION OF DENIAL OF REQUEST FOR REPUBLICATION," which is being treated under 37 CFR 1.221(b).

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error wherein the Article 19 amendment was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request has been reconsidered, but the dismissal is maintained. As stated in the decision mailed June 27, 2011, the error noted by requestor with respect to the Article 19 amendment is **not** an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification and claims 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).

In the above request, applicant asserts that the Article 19 amendments were not made under § 1.121(c). However, there is no distinction between an Article 19 amendment and a preliminary amendment. The dismissal was proper on June 27, 2011.

Once again, 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 Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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LATHROP & GAGE LLP
28 STATE STREET
7TH FLOOR
BOSTON, MA 02109

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Jerry M. Held	:	
Application No. 12/600,637	:	DECISION ON PETITION
Filed: October 28, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 79050-082N01US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 28, 2011, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

The instant petition does not include the proper evidence. The evidence should be on Office letter head signed by a medical physician.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

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 1614 for action in its regular turn.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/600,637	10/28/2010	Jerry M. Held	79050-082N01US

CONFIRMATION NO. 1551

POA ACCEPTANCE LETTER

12779
Lathrop & Gage LLP
28 State Street
7th Floor
Boston, MA 02109

OC000000050317483

Date Mailed: 10/12/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2011.

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

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
12/600,637	10/28/2010	Jerry M. Held	79050-082N01US

CONFIRMATION NO. 1551

POWER OF ATTORNEY NOTICE

23980
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
One Financial Center
BOSTON, MA 02111

OC000000050317482

Date Mailed: 10/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2011.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BOSTON, MA 02109

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OFFICE OF PETITIONS

In re Application of :
Jerry M. Held :
Application No. 12/600,637 : DECISION ON PETITION
Filed: October 28, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 79050-082N01US : 37 CFR 1.102(c)(1)
:

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed October 17, 2011, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes a statement from applicant's physician that applicant's health is such that he might not be available to assist in the prosecution of the application, if it were to run its normal course. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210.

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 1614 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
James Andrew MCLAUGHLIN, et al	:	
Application No. 12/600,644	:	DECISION ON PETITION
Filed: November 17, 2009	:	TO WITHDRAW
Attorney Docket No. 2009363-0001 (ITS-001)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 24, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of correspondence address is not that of a new representative who has filed a proper power of attorney nor is the change of address that of an assignee of the entire interest who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAILED
DEC 08 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
BLUME et al	:	
PCT No.: PCT/EP2008/054870	:	
Application No.: 12/600,711	:	
Int. Filing Date: 22 April 2008	:	PETITION UNDER
Priority Date: 18 May 2007	:	
Attorney's Docket No.: 560PUS	:	
For: Electromechanical Motor...	:	
Microstepper Drive	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 C.R.F. §1.47(b)," which is being treated as a petition under 37 CFR §1.47(a), filed on 08 October 2010. The petition fee of $200.00 has been charged to Deposit Account No.: 03-2412.

BACKGROUND

On 22 April 2008, petitioner filed international application PCT/EP2008/054870, which claimed priority to an earlier application filed 18 May 2007.

On 18 November 2009, petitioner filed in the United States Patent & Trademark Office a transmittal letter via EFS-WEB 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 March 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 International application number and international filing date" must be submitted within two months from its mailing date or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 08 October 2008, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of co-inventor Carsten Wallenhauer.

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.

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), (3) and (4) of 37 CFR 1.47(a). However, item (2) has not been satisfied.

Regarding requirement (1), petitioner has provided the proper fee of $200.00 under 37 CFR 1.17(g).

Regarding requirement (2), Alfred W. Froebrich has not sufficiently demonstrated that a copy of the application papers were presented to the non-signing co-inventor, Carsten Wallenhauer. It is unclear what documents were forwarded to Mr. Wallenhauer on June 9, 2010 because there is no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him for review and his signature from petitioner. The papers forwarded to him do not appear to include a copy of the complete application papers since only an assignment and combined Declaration and Power of Attorney (out of 5 files) were mentioned as being sent to him for his review and signature.

Moreover, it is unclear if Mr. Froebrich has first hand knowledge of the of the mailings to the nonsigning inventor because it appears it was Ms. Maria Wilms that sent the letters to the non-signing co-inventor Mr. Wallenhauer. If Mr. Froebrich did not have first hand knowledge, then petitioner needs to submit statements, with specific facts on the actions referred to the mailing of the documents to the nonsigning inventor by persons who have first-hand knowledge of such facts.

As a result, the current record does not sufficiently establish Mr. Wallenhauer 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 missing inventor.

> Carsten Wallenhauer
> Goetheplatz 11
> 01987 Schwarheide
> Germany

Regarding item (4), petitioner has provided a properly executed composite declaration without the signature of co-inventor Carsten Wallenhauer.

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)." 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 23 2010

PCT LEGAL ADMINISTRATION

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of:
BLUME, Heinrich-Jochen, et al.
U.S. Application No.: 12/600,804
PCT No.: PCT/EP2008/054890
International Filing Date: 23 April 2008
Priority Date: 18 May 2007
Attorney Docket No.: 502901-562PUS
For: ELECTROMECHANICAL MOTOR, ESPECIALLY PIEZOELECTRIC MICROSTEPPER DRIVE

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to the "Petition Under 37 CFR §1.47(b)" filed 15 October 2010, treated herein as a petition under 37 CFR 1.47(a). Applicants have paid the required petition fee.

BACKGROUND

On 23 April 2008, applicants filed international application PCT/EP2008/054890. The international application claimed a priority date of 18 May 2007, and it designated the United States. On 27 November 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., 18 November 2009.

On 18 November 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 and payment of the basic national fee.

On 15 March 2010, the United States Elected/Designated 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 15 October 2010, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included payment of the required surcharge, a partially executed declaration, and the "Petition Under 37 CFR §1.47(b)"

considered herein. The petition requests acceptance of the application without the signature of co-inventor Carsten WALLENHAUER, whom applicants assert has refused to execute the declaration.

DISCUSSION

The present petition was filed under 37 CFR 1.47(b). However, 37 CFR 1.47(b) only applies where none of the applicant/inventors of record have executed the application. Where, as here, some of the applicant/inventors have executed the application, the applicable regulation is 37 CFR 1.47(a). Accordingly, the present petition has been considered under 37 CFR 1.47(a).

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by six of the seven inventors of record, and the declarations include an unsigned signature block for the non-signing inventor, Carsten WALLENHAUER. These declarations may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from attorney Alfred W. Froebrich, with accompanying exhibits. The statement asserts that a letter from Ms. Maria Wilms requesting that the inventor return the

signed declaration was delivered to the non-signing inventor at his last known address, and that the inventor has not responded to this request. However, the petition does not provide an acceptable showing that the inventor was provided with a copy of the complete application, as required before it can be concluded that the inventor has refused to execute the present application (the attached letter refers only to a declaration apparently provided to the inventor in earlier correspondence). Moreover, petitioner has not provided a firsthand statement from the person who actually corresponded with the non-signing inventor, as necessary to confirm such correspondence and the documents included therewith. Before it can be concluded that the non-signing inventor has refused to execute the application, applicants must provide adequate supplemental materials, including a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor and that the inventor has refused to provide the requested signature in response to such request.

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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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www.uspto.gov

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JUL 15 2011

PCT LEGAL ADMINISTRATION

Cozen O"Connor
277 Park Avenue, 20th floor
NEW YORK NY 10172

In re Application of:	:	
BLUME, Heinrich-Jochen, et al.	:	DECISION
U.S. Application No.: 12/600,804	:	(37 CFR 1.47(a))
PCT No.: PCT/EP2008/054890	:	
International Filing Date: 23 April 2008	:	
Priority Date: 18 May 2007	:	
Attorney Docket No.: 502901-562PUS	:	
For: ELECTROMECHANICAL MOTOR,	:	
ESPECIALLY PIEZOELECTRIC	:	
MICROSTEPPER DRIVE	:	

In a decision mailed by this Office on 23 November 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Carsten WALLENHAUER was dismissed without prejudice based on applicants' failure to satisfy all the requirements of a grantable petition.

On 03 June 2011, in response to the 23 November 2010 decision, applicants filed a declaration executed by the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47(a), Carsten WALLENHAUER, accompanied by payment of the required five-month extension fee. This declaration is acceptable in compliance with 37 CFR 1.497 with respect to co-inventor Carsten WALLENHAUER.

Applicants have now submitted executed declarations in compliance with 37 CFR 1.497 from each of the inventors of record. Accordingly, applicants' petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is appropriately **DISMISSED AS MOOT**.

This application is being referred to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 June 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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.
12/600,816	11/18/2009	Takahiro Ikunami	1163-0761PUS1	2272

2292 7590 01/21/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2482	

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):

mailroom@bskb.com

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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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: IKUNAMI, TAKAHIRO
Application No. 12/600816
Filed: November 18, 2009
For: RETRACTABLE DISPLAY 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 November 5, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the Japanese application(s);

b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418

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.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/600,817	11/08/2010	Taketo Mizoue	OLI-088	2283

32628 7590 12/08/2010
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
12/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
MIZOUE et al.	:	DECISION ON PETITION
Application No. 12/600,817	:	TO MAKE SPECIAL UNDER
Filed: November 08, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. OLI-088	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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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.
12/600,824	11/18/2009	Shuichi Haga	075834.01170	2359

EXAMINER
ZETTL, MARY E

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
03/13/2012	PAPER

7590 03/13/2012
ROBERT J. DEPKE
LEWIS T. STEADMAN
ROCKEY, DEPKE & LYONS, LLC
SUITE 9390 - WILLIS TOWER
CHICAGO, IL 60606-6319

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)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

MAIL

NOV 08 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
FUTAGI, SADAKI et al.	:	DECISION ON REQUEST TO
Application No. 12/600,835	:	PARTICIPATE IN PATENT
Filed: November 18, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 009289-09308	:	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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/600,940	11/19/2009	William John Testin	TTEUS06070775/THMT:0044	3445

7590 06/17/2011

FLETCHER YODER P.C.
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EXAMINER

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
06/17/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nina Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED
JUN 23 2011
PCT LEGAL ADMINISTRATION

In re Application of GAO et al	:	
U.S. Application No.: 12/600,978	:	
PCT Application No.: PCT/US2009/054323	:	DECISION
Int. Filing Date: 19 August 2009	:	
Priority Date Claimed: 19 August 2008	:	
Attorney Docket No.: AB1 - 0053US	:	
For: CREDIT RISK CONTROL	:	

This is in response to applicant's correspondence filed 27 April 2011, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 19 August 2009, applicant filed international application PCT/US2009/054323, which claimed priority of an earlier China application filed 19 August 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 25 February 2010. The thirty-month period for paying the basic national fee in the United States expired on 22 February 2011.

On 19 November 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 24 March 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with respect to the surname of the fourth inventor.

On 27 April 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The surname of the fourth inventor is listed as "Lu" in the international application and as "Lv" in the declaration.

MPEP 1893.01(e) 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). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error. See MPEP § 201.03 and § 605.04(g).

The petition states that the discrepancy was the result of a spelling and translation error in the international application. However, the petition does not specifically state that the error was a typographical or transliteration error. Applicant is advised that a spelling error is not equivalent to a typographical error and that a translation error is not equivalent to a transliteration error. Applicant is required to either supply a statement that the discrepancy was the result of a spelling or transliteration error or submit a petition under 37 CFR 1.182 to accept the declaration with the changed name.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 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 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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MAILED
OCT 17 2011
PCT LEGAL ADMINISTRATION

In re Application of GAO et al	:	
U.S. Application No.: 12/600,978	:	
PCT Application No.: PCT/US2009/054323	:	DECISION
Int. Filing Date: 19 August 2009	:	
Priority Date Claimed: 19 August 2008	:	
Attorney Docket No.: AB1 - 0053US	:	
For: CREDIT RISK CONTROL	:	

This is in response to applicant's correspondence filed 23 August 2011, which is being treated as a renewed petition under 37 CFR 1.181.

BACKGROUND

On 19 August 2009, applicant filed international application PCT/US2009/054323, which claimed priority of an earlier China application filed 19 August 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 25 February 2010. The thirty-month period for paying the basic national fee in the United States expired on 22 February 2011.

On 19 November 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 24 March 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with respect to the surname of the fourth inventor.

On 27 April 2011, applicant filed a petition under 37 CFR 1.181.

On 23 June 2011, this Office mailed a decision dismissing the 27 April 2011 petition.

On 23 August 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

The name of the fourth inventor is listed as "Wei Lu" in the international application and as "Weiyan Lv" in the declaration.

MPEP 1893.01(e) 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). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error. See MPEP § 201.03 and § 605.04(g).

The petition states that the name discrepancy was the result of a typographical and transliteration error. This is deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 August 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 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
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/600,979	11/19/2009	Junichi Yamaguchi	Q115656	3869

23373 7590 07/25/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
DENION, THOMAS E

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
07/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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: YAMAGUCHI, JUNICHI Serial No.: 12/600979 Filed: 11/19/2009 Attorney Docket No. : Q115656 Title: EXHAUST PIPE FOR VEHICLE-MOUNTED ENGINE	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 8, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/601,019	11/20/2009	Naoto Kato	350711US26PCT	4386

22850 7590 07/11/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
NAJMUDDIN, RAZA NEHAL

ART UNIT	PAPER NUMBER
3747	

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):

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of: KATO, NAOTO Serial No.: 12/601019 Filed: November 20, 2009 Attorney Docket No. : 350711US26PCT Title: ABNORMALITY DETECTION DEVICE FOR INTERNAL COMBUSTION ENGINE AND AIR/FUEL RATIO CONTROL APPARATUS FOR INTERNAL COMBUSTION ENGINE	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 13, 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 corresponding application(s) 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 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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P.O. Box 1450
Alexandria, VA 22313-1450
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43840
WATERS TECHNOLOGIES CORPORATION
34 Maple Street - LG
Milford, MA 01757

MAILED

DEC 15 2010

PCT LEGAL ADMINISTRATION

In re Application of
HONGJI, Liu
U.S. Application No.: 12/601,035
PCT No.: PCT/US2008/064858
Int. Filing Date: 27 May 2008
Priority Date: 29 May 2007
Attorney's Docket No.: W-495-03
For: APPARATUS AND METHODS FOR MULTIDIMENSIONAL ANALYSIS

DECISION

This decision is in response to the petition under 37 CFR 1.47(b) submitted on 11 October 2010.

BACKGROUND

On 10 March 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), additional claim fees and a surcharge fee were required. Applicant was given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 11 October 2010, the 37 CFR 1.47(b) applicant submitted the instant petition which was accompanied by, *inter alia*, a $200.00 petition fee; a $130.00 surcharge fee; a five-month extension and extension fee; additional claim fees; a declaration signed by the 37 CFR 1.47(b) applicant on behalf of the nonsigning inventor; a statement of facts; and documentary evidence in support of the petition (Attachment A - C).

DISCUSSION

The 37 CFR 1.47(b) applicant claims that Liu HONGJI 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 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 (1), (3), (4) and (6) of 37 CFR 1.47(b)[1] are satisfied in the initial petition.

Concerning item (2) of 37 CFR 1.47(b), MPEP § 409.03(d)(II) 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.

Here, the 37 CFR 1.47(b) applicant submitted a copy of the application along with a declaration to Mr. HONGJI on 12 March 2010. The response by Mr. HONGJI constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). *See* Attachment C. Item (2) of 37 CFR 1.47(b) is also satisfied.

With regards to item (5), MPEP § 409.03(f) states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

The 37 CFR 1.47(b) applicant asserts that the inventor had agreed in writing (via an employment contract) to assign the invention to his former employer, Waters Corporation.

With respect to such a claim, MPEP § 409.03(f) states the following:

> 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

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[1] Applicant submitted a $200.00 petition fee. The current address for the nonsigning inventor was provided. A declaration signed by the 37 CFR 1.47(b) applicant on behalf of the nonsigning inventor was provided. This declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(b)(A). A statement that the application was filed to preserve the rights of the 37 CFR 1.47(b) applicant was submitted.

agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

In the petition, the 37 CFR 1.47(b) applicant provided a copy of the employment agreement (Attachment A) as required. However, the 37 CFR 1.47(b) applicant has failed to provide a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by Waters Corporation as necessary to establish that the invention underlying the present application falls within the scope of the provided employment agreement. The statement of facts by counsel in the petition is not sufficient to meet this requirement.

For the reason noted above, item (5) of 37 CFR 1.47(b) is not satisfied.

CONCLUSION

Applicant's petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time are available.

Any further correspondence 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
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Tel.: (571) 272-3302

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MAR 25 2011

PCT LEGAL ADMINISTRATION

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WATERS TECHNOLOGIES CORPORATION
34 Maple Street - LG
Milford, MA 01757

In re Application of
HONGJI, Liu
U.S. Application No.: 12/601,035
PCT No.: PCT/US2008/064858
Int. Filing Date: 27 May 2008
Priority Date: 29 May 2007
Attorney's Docket No.: W-495-03
For: APPARATUS AND METHODS FOR MULTIDIMENSIONAL ANALYSIS

DECISION

This decision is in response to the renewed petition under 37 CFR 1.47(b) submitted on 25 January 2011.

BACKGROUND

On 15 December 2010, a decision dismissing applicant's petition under 37 CFR 1.47(a) was mailed. Applicant was given two months to respond with extensions of time available.

On 25 January 2011, applicant filed a renewed petition under 37 CFR 1.47(b) which was accompanied by a statement by Guo Zhong Li.

DISCUSSION

The 37 CFR 1.47(b) applicant claims that the sole inventor refuses to cooperate.

As previously noted, 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 (1), (2), (3), (4) and (6) of 37 CFR 1.47(b) were deemed to be satisfied in the initial petition.

With regards to item (5), the 37 CFR 1.47(b) applicant claims that the nonsigning inventor had agreed in writing (via an employment contract) to assign the invention to

his former employer, Waters Corporation. The 37 CFR 1.47(b) applicant provided a copy of the employment agreement, but failed to provide a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by Waters Corporation.

In the renewed petition, the 37 CFR 1.47(b) applicant provided a statement by Guo Zhong Li, a Principal Research Engineer, who states that the patent application "was based on work performed by Mr. Liu while he was an employee of Waters Corporation" and this was based upon "work-related interaction with Mr. Liu."

A review of the statement by Mr. Li and the evidence provided in the initial petition demonstrates that the above-identified national stage application was made by Mr. LIU while he was working for Waters Corporation and that he had agreed to assign all inventions associated with such employment to Waters Corporation.

This evidence meets the requirements of MPEP § 409.03(f). Item (5) of 37 CFR 1.47(b) is now satisfied.

However, it has come to our attention that the name of the inventor listed in the international application (PCT/US2008/064858) and the international publication (WO 2008/150763) is HONGJI, Liu (last name, first name). The sole inventor is named Hongji LIU on the declaration provided on 11 October 2010 and on other documents associated with the subject petition.

Accordingly, the declaration provided on behalf of the nonsigning inventor cannot be accepted until the discrepancy in the name is cleared. A petition under 37 CFR 1.182 may be required to correct a mistake made listing the name of the inventor on the PCT Request in the international application.

For this reason, item (4) of 37 CFR 1.47(b) which was deemed to be satisfied in the prior decision, is not yet satisfied.

CONCLUSION

For the reason noted above, applicant's renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

Any further correspondence may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
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34 Maple Street - LG
Milford, MA 01757

MAILED
JUN 24 2011
PCT LEGAL ADMINISTRATION

In re Application of
LIU, Hongji
U.S. Application No.: 12/601,035
PCT No.: PCT/US2008/064858
Int. Filing Date: 27 May 2008
Priority Date: 29 May 2007
Attorney's Docket No.: W-495-03
For: APPARATUS AND METHODS FOR MULTIDIMENSIONAL ANALYSIS

DECISION

This decision is in response to the papers titled "Second Supplement to Petition under 37 CFR 1.47(b) and Petition Under 37 CFR 1.182 to Correct Discrepancy in Inventor's Name" filed 30 April 2011.

BACKGROUND

On 25 March 2011, a decision dismissing applicant's renewed petition under 37 CFR 1.47(a) was mailed. Applicant was given two months to respond with extensions of time available.

On 30 April 2011, applicant filed the subject renewed petition under 37 CFR 1.47(b) along with a petition under 37 CFR 1.182 to correct the inventor's name in the international application.

DISCUSSION

The prior decision determined that applicant provided sufficient evidence to satisfy item (5) of 37 CFR 1.47(b). However, the decision noted a discrepancy[1] in the name of the inventor. As such, declaration provided on behalf of the nonsigning inventor on 11 October 2010 (which was previously accepted) could not be accepted until this issue was resolved.

Petition Under 37 CFR 1.182

In the subject response, applicant filed a petition under 37 CFR 1.182 to correct

[1] The inventor is named Hongji LIU on the declaration and other documents associated with the subject petition. The inventor is listed as HONGJI, Liu, (last name, first name) in the international application and international publication.

the name of the inventor in the international application. The $400.00 petition fee has been charged to Deposit Account No. 23-0503 as authorized.

Applicant states that the "Corporation listed the inventor's name as "HONGJI Liu" in the PCT Request" in error. Applicant asserts that the name of the inventor should have been recorded as Hongii LIU and included a copy of the PCT General Power of Attorney submitted in the international application where the inventors name is correctly listed as Hongii LIU.

This is sufficient for a grantable petition.

Applicant's petition under 37 CFR 1.182 to correct the name of the inventor is hereby **GRANTED**.

The correct name of the inventor is Hongii LIU. The declaration filed on behalf of the nonsigning inventor on 11 October 2010 is accepted. Item (4) of 37 CFR 1.47(b) is now satisfied.

All of the requirements of 37 CFR 1.47(b) are complete.

CONCLUSION

Applicant's second 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 legal representative 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 27 May 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 11 October 2010.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Hongji Liu
101A N. Main Street
North Grafton, MA 01536

MAILED
JUN 24 2011
PCT LEGAL ADMINISTRATION

In re Application of
LIU, Hongji
U.S. Application No.: 12/601,035
PCT No.: PCT/US2008/064858
Int. Filing Date: 27 May 2008
Priority Date: 29 May 2007
Attorney's Docket No.: W-495-03
For: APPARATUS AND METHODS FOR MULTIDIMENSIONAL ANALYSIS

Mr. Liu:

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

WATERS TECHNOLOGIES CORPORATION
34 Maple Street - LG
Milford, MA 01757

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/601,088	05/17/2010	Tatsuya Ogawa	10672.0010-00000	4827

22852 7590 06/14/2011
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
06/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	
OGAWA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/601,088	**: PARTICIPATE IN THE PATENT**
Filed: 17 May 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 10672.0010-00000	**: PROGRAM AND PETITION**
For: DEVICE, SYSTEM, AND	**: TO MAKE SPECIAL UNDER**
METHOD FOR DETERMINING	**: 37 CFR 1.102(a)**
FITTING CONDITION OF	
CONNECTOR	

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 09 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : November 14,2011

In re Application of :

Herbert Pardo

Application No : 12601092

Filed : 08-Oct-2010

Attorney Docket No : MPWR-0009

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 14,2011

The request is **APPROVED.**

The request was signed by Christopher M. Arena (registration no. 35429) on behalf of all attorneys/agents associated with Customer Number 23377 . All attorneys/agents associated with Cusotmer Number 23377 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	Herbert Pardo
Name2	c/o Magnetic Power, Inc.
Address 1	Cra 17, 1A-30th
Address 2	
City	Manizales,
State	
Postal Code	1A-30th
Country	CO

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	12601092
Filing Date	08-Oct-2010
First Named Inventor	Herbert Pardo
Art Unit	2838
Examiner Name	
Attorney Docket Number	MPWR-0009
Title	METHOD FOR CONVERTING DIRECT CURRENT TO ALTERNATING CURRENT

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23377

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	Herbert Pardo c/o Magnetic Power, Inc.
Address	Cra 17, 1A-30th
City	Manizales,
State	
Postal Code	1A-30th
Country	CO

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Christopher M. Arena/
Name	Christopher M. Arena
Registration Number	35429

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/601,105	11/20/2009	Daichi Okumura	350832US71CTC PCT	4928

22850 7590 09/14/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
HUYNH, HAI H

ART UNIT	PAPER NUMBER
3747	

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):

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: OKUMURA, DAICHI et al Serial No.: 12/601,105 Filed: Nov. 20, 2009 Docket: 350832US71CTC Title: CONTROL DEVICE FOR INTERNAL COMBUSTION ENGINE	::	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) 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 Aug. 11, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition met all conditions except Item #4 above. However, the examiner issued an Office action on the merits and allowed the case on September 2, 2011. Therefore, the petition cannot be granted.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856. All other inquiries concerning the examination or status of the application should be directed to Examiner Hai Huynh at 571-272-4844.

The petition is denied.

/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.
12/601,141	02/19/2010	Toshitada Toyoda	57105	5302

1609 7590 09/10/2010
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
SHAVER, KEVIN P

ART UNIT	PAPER NUMBER
3754	

MAIL DATE	DELIVERY MODE
09/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

Applicant: Toyoda et al
Appl. No.: 12/601,141
Filing Date: February 19, 2010
Title: POWDER MATERIAL SUPPLY DEVICE
Attorney Docket No.: 57105
Pub. No.: US 2010/0155433 A1
Pub. Date: June 24, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 23, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. In addition, the applicant did not provide a copy of the application. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 09/10/2010 KKING1
08/23/2010 INTEFSW 00008756 12601141
01 FC:1504 -300.00 OP

Refund Ref:
09/10/2010 0030088268

Credit Card Refund Total: $300.00

Master C: XXXXXXXXXXXX8971

6 AUG 2010

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Foley Hoag, LLP
Patent Group, World Trade Center West
155 Seaport Blvd.
Boston, MA 02110

In re Application of:	:	
DEPINHO et al.	:	
U.S. Application No.: 12/601,161	:	
PCT No.: PCT/US2008/064348	:	PETITION UNDER
International Filing Date: 21 May 2008	:	37 CFR 1.497(d)
Priority Date: 21 May 2007	:	TO CORRECT
Attorney's Docket No.: DFS-075.01	:	INVENTORSHIP
For: COMPOSITIONS, KITS, AND METHODS FOR IDENTIFICATION, ASSESSMENT, PREVENTION, AND THERAPY OF CANCER		

This decision is issued in response to applicant's Request to Correct Inventorship under 37 CFR 1.497(d) filed 10 June 2010. The $130 petition fee has been submitted.

BACKGROUND

On 21 May 2008, applicant filed international application PCT/US2008/064348 which claimed a priority date of 21 May 2007. The international application named Ronald DePhino as applicant/inventor. The deadline for submission of the basic national fee was to expire thirty months from the priority date, i.e., 21 November 2009.

On 20 November 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 were, the requisite basic national fee, a copy of the international application, and a preliminary amendment.

On 10 March 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 10 June 2010, applicant filed a declaration executed by: Ronald DePhino, Lynda Chin and Eric Martin and the present request to Correct Inventorship under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventors Lynda Chin and Eric S. Martin to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicant 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); and
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has submitted a statement from the persons being added (Lynda Chin and Eric S. Martin) 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. And applicant has submitted a statement of consent by the assignee, along with a copy of the Assignment document by which the assignee obtained its interest in the present application. Lastly, applicant has submitted a declaration executed by Ronald DePhino, Lynda Chin and Eric S. Martin. 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>.

Lynda Chin and Eric S. Martin will be added as inventors 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/601,180	11/20/2009	Mark Zdeblick	PRTS-124 (PRO-106)	5575

61487 7590 10/02/2011
Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER
WU, EUGENE T

ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
10/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of: ZDEBLICK, MARK et al Serial No.: 12/601,180 Filed: 11/20/2009 Attorney Docket No. : PRTS-124 (PRO-106) Title: IMPLANTABLE MICROSTIMULATORS	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 28, 2010 to make the above-identified application special.

The request and petition are **dismissed** as moot.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition failed to meet condition Item #4 above.

Examination of this application has already begun. A non-final rejection was mailed on February 4, 2010. After the final rejection of May 27, 2011, a RCE was filed on Sep. 26, 2011 and waiting for an action on the merits in its regular turn. In light of this, the other issues on petition for participation in the PPH program are considered moot.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **dismissed as moot.**

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856