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STMICROELECTRONICS, INC.
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CARROLLTON, TX 75006

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NOV 01 2010

OFFICE OF PETITIONS

In re Application of :
Venkatesh Mohanakrishnaswamy, et al. :
Application No. 12/651,340 : DECISION ACCORDING STATUS
Filed: December 31, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: 07-C-156 (850063.644) :

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed September 2, 2010.

The petition is **GRANTED**.

Petitioner has shown that non-signing inventor, Venkatesh Mohanakrishnaswamy, has refused to join in the filing of the above-identified application.

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

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

This application is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: WILLIAM J. PIGOTT
701 FIFTH AVENUE, SUITE 5400
SEATTLE, WA 98104-7092

UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. VENKATESH MOHANAKRISHNASWAMY
OLD NO. 36/4, NEW NO. 14/4 SAROJINI STREET
T. NAGAR, CHENNAI 600017
TAMIL NADU, INDIA

MAILED
NOV 01 2010
OFFICE OF PETITIONS

In re Application of :
Venkatesh Mohanakrishnaswamy, et al. :
Application No. 12/651,340 :
Filed: December 31, 2009 :
For MEMS PACKAGING SCHEME USING :
DIELECTRIC FENCE :

LETTER

Dear Mr. Mohanakrishnaswamy:

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

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

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: STMICROELECTRONICS, INC.
MAIL STATION 2346
1310 ELECTRONICS DRIVE
CARROLLTON, TX 75006

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Luce, Forward, Hamilton & Scripps, LLP
2050 Main Street, Suite 600
Irvine, CA 92614

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NOV 05 2010

OFFICE OF PETITIONS

In re Application of	:	
John Fulkerson et al.	:	
Application No. 12/651,353	:	DECISION ON PETITION
Filed: December 31, 2009	:	TO WITHDRAW
Attorney Docket No. 37953-11420	:	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 10, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Peter J. Gluck and all attorneys/agents of record has been revoked by the assignee of the patent application on September 20, 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Knobbe Martens Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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

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

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

Application No:	12/651,356	Filing date:	2009-12-31
First Named Inventor:	Sanders, John Larry		
Title of the Invention:	QUICK DRYING POLYMERIC COATING		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/020350

The international date of the corresponding PCT application(s) is/are: 2010-01-07

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/651,356
First Named Inventor:	Sanders, John Larry

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
21-59	1-39	Identical claim language
61-85	41-65	Identical claim language
60	40	Identical claim language; claim not examined because not drafted

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

Signature /John Michael Collins/	Date 2010-11-30
Name (Print/Typed) John Michael Collins	Registration Number 26,262

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.

I claim:

1. A polymer-containing composition adapted for application to agriculturally useful solid products, said polymer-containing composition including a copolymer containing individual quantities of maleic and itaconic moieties, and an organic compound drying agent.

2. The polymer-containing composition of claim 1, said copolymer containing from about 10-90% by maleic moieties, and from about 90-10% by itaconic moieties.

3. The polymer-containing composition of claim 1, said drying agent selected from the group consisting of organic alcohols and ketones.

4. The polymer-containing composition of claim 3, said drying agent selected from the group consisting of C1-C4 alcohols.

5. The polymer-containing composition of claim 1, said organic drying agent being present at a level of from about 5-60% by weight.

6. The polymer-containing composition of claim 1, said copolymer being in partial salt form and having at least about 93% itaconic and maleic moieties.

7. The polymer-containing composition of claim 1, said composition comprising from about 20-70% by weight of said copolymer in partial salt form, from about 5-60% by weight methanol, and from about 10-50% by weight water.

8. The polymer-containing composition of claim 7, said copolymer salt being present at a level of from about 30-60% by weight, from about 30-50% by weight methanol, and from about 10-25% by weight water.

9. The polymer-containing composition of claim 1, including from about 0.5-5% by weight boron as boric acid.

10. The polymer-containing composition of claim 9, including an amount of bimodal vinyl polymer therein, said bimodal vinyl polymer including individual high and low molecular weight vinyl polymer fractions.

11. The polymer-containing composition of claim 10, said bimodal vinyl polymers comprising low MW PVA having a weight averaged molecular weight Mw of from about 13,000-23,000, and high MW PVA having a weight averaged molecular weight Mw of about 145,000 and above, said low MW PVA being present in an amount greater than said high MW PVA.

12. The polymer-containing composition of claim 11, the ratio of said high MW PVA to said low MW PVA being from about 1:2 to 1:20.

13. The polymer-containing composition of claim 12, said ratio being from about 1:4 to 1:12.

14. A polymer-containing composition adapted for application to a solid, nitrogenous fertilizer, said polymer-containing composition comprising:

(1) from about 20-50% by weight of maleic-itaconic copolymer, in the form of a partial salt and having at least about 93% itaconic and maleic moieties therein;

(2) volatile organic solvent present at a level of from about 5-60% by weight;

(3) low MW PVA at a level of from about 0.5-10% by weight;

(4) high MW PVA at a level of from about 0.1-4% by weight;

(5) a ratio of high MW PVA to low MW PVA of from about 1:2 to 1:20;

(6) boric acid at a level of from about 0.5-5% by weight; and

(7) water.

15. The polymer-containing composition of claim 14, wherein:

(1) said maleic-itaconic copolymer consists essentially of maleic and itaconic moieties and is present as a partial calcium salt with carboxylate substitution by calcium at a level of from about 1-35%, and in an amount of from about 35-45% by weight;

(2) said organic solvent comprises methanol and is present at a level of from about 35-50% by weight;

(3) said low MW PVA is present at a level of from about 2-6% by weight and has a weight averaged molecular weight Mw of from about 13,000-23,000;

(4) said high MW PVA is present at a level of from about 0.2-2% by weight and has a weight averaged molecular weight Mw of from about 146,000-186,000;

(5) said ratio is from about 1:4 to 1:12;

(6) said boric acid is present at a level of from about 2-4% by weight; and

(7) water forms the balance of said composition.

16. The polymer-containing composition of claim 1, said copolymer salt consisting essentially of maleic and itaconic moieties.

17. The polymer-containing composition of claim 1, said copolymer salt having about a 1:1 ratio of maleic moieties to itaconic moieties.

18. The polymer-containing composition of claim 1, said drying agent selected selected from the group consisting of organic compounds having a vapor pressure of at least about 40 mmHg at STP.

19. The polymer-containing composition of claim 1, said polymer-containing composition having a flash point of greater than 73 °F.

20. The fertilizer composition of claim 1, said polymer-containing composition comprising a quantity of said copolymer salt suspended in a liquid phase comprising water and said drying agent.

21. A fertilizer product comprising:

a quantity of a solid fertilizer; and

a polymer-containing composition as set forth in claim 1 applied to said fertilizer.

22. The fertilizer product of claim 21, said fertilizer being a nitrogenous fertilizer.

23. The fertilizer product of claim 22, said fertilizer selected from the group consisting of urea, ammonium sulfate, ammonium nitrate, MAP, and DAP in the form of granules or prills, said composition applied to the surface of said fertilizer at a level of from about 0.1-1 gallons of said polymer-containing composition per ton of said solid fertilizer.

24. The fertilizer product of claim 21, said fertilizer being urea, said composition being the composition set forth in claim 14.

25. The fertilizer product of claim 21, said fertilizer composition formed by spraying said polymer-containing composition onto said solid fertilizer.

26. The fertilizer product of claim 21, said copolymer containing from about 10-90% by maleic moieties, and from about 90-10% by itaconic moieties.

27. The fertilizer product of claim 21, said drying agent selected from the group consisting of organic alcohols and ketones.

28. The fertilizer product of claim 27, said drying agent selected from the group consisting of C1-C4 alcohols.

29. The fertilizer product of claim 21, said organic drying agent being present at a level of from about 5-60% by weight.

30. The fertilizer product of claim 21, said copolymer being in partial salt form and having at least about 93% itaconic and maleic moieties.

31. The fertilizer product of claim 21, said composition comprising from about 20-70% by weight of said copolymer in partial salt form, from about 5-60% by weight methanol, and from about 10-50% by weight water.

32. The fertilizer product of claim 31, said copolymer salt being present at a level of from about 30-60% by weight, from about 30-50% by weight methanol, and from about 10-25% by weight water.

33. The fertilizer product of claim 21, including from about 0.5-5% by weight boron as boric acid.

34. The fertilizer product of claim 33, including an amount of bimodal vinyl polymer therein, said bimodal vinyl polymer including individual high and low molecular weight vinyl polymer fractions.

35. The fertilizer product of claim 34, said bimodal vinyl polymers comprising low MW PVA having a weight averaged molecular weight Mw of from about 13,000-23,000, and high MW PVA having a weight averaged molecular weight Mw of about 145,000 and above, said low MW PVA being present in an amount greater than said high MW PVA.

36. The fertilizer product of claim 35, the ratio of said high MW PVA to said low MW PVA being from about 1:2 to 1:20.

37. The fertilizer product of claim 36, said ratio being from about 1:4 to 1:12.

38. A method of fertilizing soil comprising the step of applying the fertilizer product of claim 21 to soil.

39. The method of claim 38, said fertilizer being the fertilizer of claim 14.

40. The method of claim 39, said fertilizer being the fertilizer of claim 15.

41. The method of claim 38, including the step of applying said fertilizer at a level of from about 0.1-1 gallons of said polymer-containing composition per ton of said solid fertilizer.

42. The method of claim 38, said solid fertilizer being urea, said polymer-containing composition being the composition of claim 14.

43. A method of forming a fertilizer composition comprising the steps of:

providing a quantity of a solid, nitrogenous fertilizer;

applying a polymer-containing composition onto said solid fertilizer, said polymer-containing composition including a salt of a copolymer containing individual quantities of maleic and itaconic moieties, and an organic compound drying agent.

44. The method of claim 43, said solid fertilizer selected from the group consisting of urea, ammonium nitrate, ammonium sulfate, and mixtures thereof.

45. The method of claim 43, said solid fertilizer being granular.

46. The method of claim 43, said copolymer salt containing from about 10-90% by maleic moieties, and from about 90-10% by itaconic moieties.

47. The method of claim 46, said copolymer salt having about a 1:1 ratio of maleic moieties to itaconic moieties.

48. The method of claim 43, said drying agent selected from the group consisting of organic alcohols and ketones.

49. The method of claim 48, said drying agent selected from the group consisting of C1-C4 alcohols.

50. The method of claim 49, said drying agent being methanol.

51. The method of claim 43, said drying agent selected selected from the group consisting of organic compounds having a vapor pressure of at least about 40 mmHg at STP.

52. The method of claim 43, including the step of applying said polymer-containing composition as a surface coating onto said solid fertilizer.

53. The method of claim 52, including the step of spraying said polymer-containing composition onto said solid fertilizer.

54. The method of claim 43, said polymer-containing composition comprising a quantity of said copolymer salt suspended in a liquid phase comprising water and said drying agent.

55. The method of claim 54, said drying agent being methanol, and said methanol being present in the fertilizer composition at a level of from about 10-60% by weight.

56. The method of claim 55, said level being of from about 35-45% by weight.

57. The method of claim 56, said polymer-containing composition including from about 20-70% by weight of said copolymer salt, from about 10-60% by weight methanol, and from about 10-50% by weight water.

58. The method of claim 43, said polymer-containing composition including about 40% by weight of a salt of a maleic-itaconic copolymer salt, about 45% by weight methanol, and about 15% by weight water.

59. The method of claim 43, said polymer-containing composition being used at a level of from about 0.1-1 gallons of polymer-containing composition per ton of said solid fertilizer.

60. The method of claim 43, said polymer-containing composition being aqueous and having a pH of from about 1-4.

61. The method of claim 43, said polymer-containing composition including from about 0.5-5% by weight boron as boric acid.

62. The method of claim 61, including an amount of bimodal vinyl polymer therein, said bimodal vinyl polymer including individual high and low molecular weight vinyl polymer fractions.

63. The method of claim 62, said bimodal vinyl polymers comprising low MW PVA having a weight averaged molecular weight Mw of from about 13,000-23,000, and high MW PVA having a weight averaged molecular weight Mw of about 145,000 and above, said low MW PVA being present in an amount greater than said high MW PVA.

64. The method of claim 63, the ratio of said high MW PVA to said low MW PVA being from about 1:2 to 1:20.

65. The method of claim 64, said ratio being from about 1:4 to 1:12.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/651,356	12/31/2009	John Larry Sanders	39992-CIP1	8973

23589 7590 02/16/2011

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER	
SMITH, JENNIFER A	

ART UNIT	PAPER NUMBER
1731	

MAIL DATE	DELIVERY MODE
02/16/2011	PAPER

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

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

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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CT

February 16, 2011

In re application of	:	DECISION ON REQUEST TO
John Larry Sanders et al	:	PARTICIPATE IN PATENT
Serial No. 12/651,356	:	PROSECUTION HIGHWAY
Filed: December 31, 2009	:	PROGRAM AND
For: QUICK DRYING POLYMERIC	:	PETITION TO MAKE SPECIAL
FERTILIZER ADDITIVE	:	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 November 30, 2010, to make the above-identified application special.

The request and petition are **DISMISSED** as moot. Specifically, a non-final Office Action was mailed in this application on February 9, 2011.

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

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

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

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

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

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

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

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

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

(5) Examination of the U.S. application has begun. Specifically, note that a non-final Office Action was mailed in this application on February 9, 2011

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 22, 2012

In re Application of :

Neal Blitz

Application No : 12651371

Filed : 31-Dec-2009

Attorney Docket No : 24179785.010051

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 22, 2012

The request is **APPROVED.**

The request was signed by William D. McSpadden (registration no. 44234) on behalf of all attorneys/agents associated with Customer Number 23562 . All attorneys/agents associated with Cusotmer Number 23562 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 Neal Blitz

Name2

Address 1 838 Greenwich Street #4E

Address 2

City New York

State NY

Postal Code 10014

Country US

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

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

Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12651371
Filing Date	31-Dec-2009
First Named Inventor	Neal Blitz
Art Unit	3733
Examiner Name	ELLEN HAMMOND
Attorney Docket Number	24179785.010051
Title	Intramedullary Compression Nail and Related Method for Jones Fractures

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23562

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	Neal Blitz
Address	838 Greenwich Street #4E
City	New York
State	NY
Postal Code	10014
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William D. McSpadden/
Name	William D. McSpadden
Registration Number	44234

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Manjirnath Chatterjee et al. :
Application No. 12/651,402 : DECISION ON PETITION
Filed: December 31, 2009 :
Attorney Docket No. PALM.P1083 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 18, 2011. Accordingly, the date of abandonment of this application is May 19, 2011. A Notice of Abandonment was mailed on June 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

The petition fee of $1,620 will be charged to petitioner's deposit account.

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:1203

DATE : March 07, 2012

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 7993164

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

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

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

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

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

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

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

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

Comments:

The change to the text (column 8) is approved.

The change to the drawing is not approved. Extraneous text is not appropriate; the description of ref. # 122 is already present in the specification.

/renee s luebke/
Renee Luebke SPE - AU 2833

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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Jellett Law, PS
Matthew Jellett, Esq.
910 Harris Ave
Suite A205
BELLINGHAM WA 98225

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :

King C. Wai :
Application No. 12/651,449 : DECISION ON PETITION
Filed: January 1, 2010 : TO WITHDRAW
Attorney Docket No. **P209590PAT** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 12, 2011.

The request is **APPROVED**.

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

The request was signed by Matthew Jellett on behalf of all attorneys of record who are associated with Customer Number 62772.

All attorneys/agents associated with Customer Number 62772 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor King Wai 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: King Wai
130-10691 Shellbridge Way
Richmond BC V6X-2W8 CA CANADA

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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WAYNE N. COLLETTE, MANAGER
19 FRENCH COURT
MERRIMACK, NH 03054

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of :
Valery Kagan :
Application No. 12/651,508 : DECISION ON PETITION
Filed: January 4, 2010 :
Attorney Docket No. O0003-7001US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

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

This application is being referred to Technology Center AU 2838 for appropriate action by the Examiner in the normal course of business on the reply received March 16, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/651,524	01/04/2010	Keiichi NOMURA	09626/LH	9379

1933 7590 09/01/2011

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
FAN, CHIEH M	
ART UNIT	PAPER NUMBER
2611	
MAIL DATE	DELIVERY MODE
09/01/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of
NOMURA et al.
Application No.: 12/651,524
Filed: 04 January 2010
Attorney Docket No.: 09626/LH
For: TIME INFORMATION RECEIVER, RADIO WAVE TIMEPIECE AND STORAGE MEDIUM HAVING PROGRAM STORED THEREIN

: 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 30 August 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

3. Applicant must

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

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

5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;

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

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, US claim 1 requires "a reception unit for receiving and demodulating a standard radio wave" and "an analyzer" but these structural limitations are not present in JP claim 1. US claim 1 is narrower in scope than JP claim 1 and therefor does not sufficiently correspond.

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
Technology Center 2600

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.
12/651,524	01/04/2010	Keiichi NOMURA	09626/LH	9379

1933 7590 10/18/2011

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
GARCIA, SANTIAGO	
ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
10/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of
NOMURA et al.
Application No.: 12/651,524
Filed: 04 January 2010
Attorney Docket No.: 09626/LH
For: TIME INFORMATION RECEIVER, RADIO WAVE TIMEPIECE AND STORAGE MEDIUM HAVING PROGRAM STORED THEREIN

: 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 30 August 2011 and renewed 12 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
Quality Assurance Specialist
Technology Center 2600

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.
12/651,568	01/04/2010	Magali Lemont	1458-027	9472

32905 7590 11/23/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
O HARA, EILEEN B	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/23/2011	ELECTRONIC

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

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

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

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 2 3 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Magali Lemont
Serial No.: 12/651,568
Filed: January 4, 2010
Attorney Docket No.: **1458-027**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed November 14, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on November 14, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 10, 2012

In re Application of :

Magali Lemont

Application No : 12651568

Filed : 04-Jan-2010

Attorney Docket No : 1458-027

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 10, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

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

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

Office of Petitions

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	12651568
Filing Date	04-Jan-2010
First Named Inventor	Magali Lemont
Art Unit	1638
Examiner Name	EILEEN O HARA
Attorney Docket Number	1458-027
Title	Lettuce Cultivar FX1308

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32905

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

10.40(b)(4)

Certifications

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

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

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

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 20872

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert J. Jondle/
Name	Robert J. Jondle
Registration Number	33915

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RIM
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Gisby et al.	:	
Application No. 12/651,590	:	ON PETITION
Filed: January 4, 2010	:	
Attorney Docket No. 8603.105.NPUS00	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

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

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2617 for examination on the merit..

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Gisby et al.	:	
Application No. 12/651,590	:	DECISION GRANTING STATUS
Filed: January 4, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. 8603.105.NPUS00	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 23, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Kevin W. Andrewin, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2617 for examination on the merits.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEVIN W. ANDREWIN
1001 BILTMORE DRIVE
ELGIN, IL 60120

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
Gisby et al. :
Application No. 12/651,590 : ON PETITION
Filed: January 4, 2010 :
Attorney Docket No. 8603.105.NPUS00 :

Mr. Andrewin,

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

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

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOUSTON TX 77002

MAILED
FEB 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Gisby et al.	:	
Application No. 12/651,604	:	DECISION GRANTING STATUS
Filed: January 4, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. 8603.106.NPUS00	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 20, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Kevin W. Andrewin, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2614 for examination on the merits.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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KEVIN W. ANDREWIN
1001 BILTMORE DRIVE
ELGIN, IL 60120

MAILED
FEB 24 2011
OFFICE OF PETITIONS

In re Application of :
Gisby et al. :
Application No. 12/651,604 : ON PETITION
Filed: January 4, 2010 :
Attorney Docket No. 8603.106.NPUS00 :

Mr. Andrewin,

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

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

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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HOUSTON TX 77002

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MAR 01 2011

OFFICE OF PETITIONS

In re Application of :
Gisby et al. :
Application No. 12/651,604 : ON PETITION
Filed: January 4, 2010 :
Attorney Docket No. 8603.106.NPUS00 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

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

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2614 for examination on the merit..

Liana Walsh
Petitions Examiner
Office of Petitions

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HOUSTON TX 77002

MAILED

FEB 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Gisby et al.	:	
Application No. 12/651,619	:	DECISION GRANTING STATUS
Filed: January 4, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. 8603.107.NPUS00	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 20, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Kevin W. Andrewin, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2614 for examination on the merits.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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

KEVIN W. ANDREWIN
1001 BILTMORE DRIVE
ELGIN, IL 60120

MAILED

FEB 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Gisby et al.	:	
Application No. 12/651,619	:	ON PETITION
Filed: January 4, 2010	:	
Attorney Docket No. 8603.107.NPUS00	:	

Mr. Andrewin,

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

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

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Andrewin, Kevin W.	:	
Application No. 12/651,619	:	ON PETITION
Filed: January 4, 2010	:	
Attorney Docket No. 8603.107.NPUS00	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

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

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2614 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of :
Shunsuke Sato :
Application No. 12/651,621 : DECISION ON PETITION
Filed: January 4, 2010 :
Attorney Docket No. **40616-283881** :

This is a decision on the petition, filed September 28, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowance (Notice) mailed June 13, 2011, which set a three (3)-month statutory period for reply. A Notice of Abandonment was mailed on September 26, 2011.

Petitioner asserts that the Notice dated June 13, 2011, was not received.

A review of the written record indicates no irregularity in the mailing of the Notice of June 13, 2011, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

(1) A statement from 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.

(2) 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.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Data Management for normal processing of the response to the Notice of Allowance submitted with the instant petition.

Telephone inquiries related to this decision may be directed to the JoAnne Burke at (571) 272-4584.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Sujan Kumar PAL	)
Confirmation No.: 5998	)
	)
Serial No.: 12/644,228	)
	)
Filing Date: December 22, 2009	)
	)
Atty Docket No.: 237815-1 (22402-173)	)

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

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: April 8, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

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: 237815-1 (22402-173)	Application Number (if known): 12/644,228	Filing date: December 22, 2009
First Named Inventor: Sujan Kumar Pal		
Title: METHOD AND SYSTEM FOR MONITORING OPERATION OF A WIND FARM		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date April 8, 2011
Name (Print/Typed) Douglas D. Zhang	Registration Number 37,985

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

☐ *Total of ..... forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/651,670	01/04/2010	Parag Vyas	231340-1	9659

94288 7590 04/25/2011

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

EXAMINER	
LOOK, EDWARD K	
ART UNIT	**PAPER NUMBER**
3745	

NOTIFICATION DATE	DELIVERY MODE
04/25/2011	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):

ldocket@crd.ge.com
rosssr@crd.ge.com
wahld@ge.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

In re Application of		
VYAS, PARAG	:	DECISION ON PETITION
Application No. 12/651,670	:	TO MAKE SPECIAL UNDER
Filed: Jan. 4, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 231340/1	:	PILOT PROGRAM

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

The petition is **dismissed**.

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

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

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

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

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

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation or greenhouse gas reduction. This is not convincing. For example, claims 17-21, it is not clear how the claimed computer floppy disk with software instructions will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Parag VYAS	)
Confirmation No.: 9659	)
	)
Serial No.: 12/651,670	)
	)
Filing Date: 01/04/2010	)
	)
Atty Docket No.: 231340-1	)

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

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 25 April 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Due to a clerical error, claims from a co-pending application were inadvertently filed in the preliminary amendment dated as filed April 8, 2011. A second preliminary amendment filed concurrently with this request for reconsideration corrects the clerical error and makes this application eligible for the Green Pilot Program.

The claims as presently pending were filed inadvertently and without deceptive intent in a preliminary amendment in co-pending U.S. Patent Application No. 12/644,288. Based on the claims, the Petition to Make Special Under the Green Technology Pilot Program in the co-pending application was granted. As such, applicant respectfully submits that the present invention materially contributes to the development of renewable energy resources or energy conservation.

In the Decision On Petition to Make Special Under the Green Technology Program (hereinafter "the Decision), it was stated "For example, claims 17-21, it is not clear how the claimed computer floppy disk with software instructions will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction." While applicant does not necessarily agree with the comments made relating to claim scope in the Decision, the comments are rendered moot because of the claims mentioned in the decision are no longer pending in the present application.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W Mages/
Allison Weiner Mages
Reg. No. 57,275

Dated: May 26, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

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.
12/651,670	01/04/2010	Parag Vyas	231340-1	9659

94288 7590 07/01/2011

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
07/01/2011	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):

ldocket@crd.ge.com
rosssr@crd.ge.com
wahld@ge.com

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

JUL 01 2011

In re Application of :
Vyas :
Application No. 12/651,670 :
Filed: 1/4/2010 :
Attorney Docket No. **231340-1** :

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

This is a decision on the request for reconsideration, filed 5/27/2011, 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 3745 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GOODWIN PROCTER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC 20001

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Brock, et al. :
Application No. 12/651,692 : ON PETITION
Filed: January 4, 2010 :
Attorney Docket No. NOV-001C1 :

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

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed January 18, 2011. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on April 19, 2011. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, applicants paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of continuation application No. 13/184,656, was previously filed on July 18, 2011.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above identified application is again abandoned in favor of the continuation application, no. 13/184,656, filed July 18, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Harth, et al. :
Application No. 12/651,710 : DECISION
Filed/Deposited: 4 January, 2010 :
Attorney Docket No. 22000.0193U1 :

This is a decision on the petition filed on 25 October, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE: Petitioners always are directed to the Commentary at MPEP §711.03(c)(I)(B) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181 when they aver timely and proper reply to an Office action.

The requirements are simple and minimal: a clear and simple recitation of the events of the matter, a receipt card or other such documentation (e.g., Electronic Acknowledgment Receipt) evidencing Office receipt, and—where record (e.g., upon review of Private PAIR) does not evidence the presence of the papers submitted—a copy of those papers.

Herein, Petitioner avers that the record reflects the presence of the papers submitted.

Nonetheless Petitioner apparently felt the need to fill the record with an additional 500-plus pages of specification already present there.

Again, Petitioner is directed to the Commentary at MPEP §711.03(c)(I)(B) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181 when Petitioner avers timely and proper reply to an Office action.

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

As to the Request to Withdraw the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly, to the Notice to File Missing Parts (*inter alia*, oath/declaration, surcharge, substitute specification, replacement drawings, sequence listing) mailed on 27 January, 2010, with reply due absent extension of time on or before 27 March, 2010.

On 24 February and 24 March, 2010, Petitioner filed dozens of documents in connection with Information Disclosure Statements.

The application went abandoned after midnight 27 March, 2010.

The Office mailed a Notice of Abandonment on 16 September, 2010.

On 25 October, 2010, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, timely reply with an 27 August, 2010, submission of, *inter alia*, a request and fee for extension of time papers including, but not limited to an oath/declaration, surcharge and substitute specification and replacement drawings. (And the Office record in fact reflects those submissions.) However, rather than make a simple showing of the foregoing pursuant to the Rule and in compliance with the guidance in the Commentary at MPEP §711.03(c)(I), Petitioner apparently found it necessary to place multiple documents and specification well in excess of 500 pages.

In that fashion, Petitioner sought to satisfy the showing requirement, as discussed below.

With regard to a 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 reply:

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[The regulations at] 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

Best Available Copy

Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

***

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

Out of an abundance of caution, Petitioners always are reminded that 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]

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).

Allegations as to the Request to Withdraw the Holding of Abandonment

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

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **granted** and 16 September, 2010, Notice of Abandonment is **vacated**.

---

[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. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The instant application is released to the Office of Patent Application Processing (OPAP) to await Petitioner's filing of his Appeal Brief with fee in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of	:	
Vicki Hamilton, et. al.	:	DECISION REFUSING STATUS
Application No. 12/651,759	:	UNDER 37 CFR 1.47(a)
Filed: January 4, 2010	:	
Attorney Docket No. 040394/380244	:	

This is in response to the petition under 37 CFR 1.183, filed August 16, 2010, which is being treated as a petition under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor refuses to join in the filing of the above-identified application.

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

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Jennifer Davidson c/o John R. Davidson
6095 River Chase Cir NW
Atlanta, GA 30328-3560

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of
Vicki Hamilton, et. al.
Application No. 12/651,759
Filed: January 4, 2010
For: PRIORITIZING AND TRACKING INVESTMENTS

Dear Mr. Davidson:

Jennifer Davidson is 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.

Since you are listed as the legal representative for Mrs. Davidson, 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). Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by the legal representative pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: ALSTON & BIRD, LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
BALINT, et al :
Application No. 12/651,836 : DECISION ON PETITION
Filed: January 4, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 39891 - xxx-xxx : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 30, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement signed by Applicant Frank R. Jones. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1600.

The application is being forwarded to Technology Center Art Unit 1645 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/651,849	01/04/2010	Taiji FURUKAWA	128186.01	1008

7590 09/01/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
1624	
NOTIFICATION DATE	DELIVERY MODE
09/01/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 26, 2011

TO SPE OF : ART UNIT 2887
SUBJECT : Request for Certificate of Correction for Appl. No. 12/651888 patent No.:7861928 B2
C of C mailroom date:--04-22-11

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

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**.

Magdalene Talley

Certificates of Correction Branch

571-272- 0423

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: The Request for Certificate of Correction filed on April 22, 2011 has been reviewed and approved.

/Steven S. Paik/ — **SPE**

2887 — **Art Unit**

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Alexandria, VA 22313-1450
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MASCHOFF GILMORE & ISRAELSEN
1441 W. UTE BLVD., SUITE 100
PARK CITY UT 84098-7633

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of :
AITKEN, David E. et al. :
Application No. 12/651,933 : DECISION ON PETITION
Filed: January 04, 2010 : TO WITHDRAW
Attorney Docket No. 18402.1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 R. Burns Israelsen on behalf of all attorneys of record who are associated with customer No. 97149. All attorneys/agents associated with the Customer Number 97149 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: **HIT DEVELOPMENT LLC**
1460 MOONRIVER DRIVE
PROVO UT 84604

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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MAILED

AUG 15 2011

OFFICE OF PETITIONS

MASCHOFF GILMORE & ISRAELSEN
1441 W. UTE BLVD., SUITE 100
PARK CITY, UT 84098-7633

In re Application of :
David Elmo Aitken, et al. :
Application No. 12/651,933 : DECISION ON PETITION
Filed: January 4, 2010 : 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 20, 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 R. Burns Israelsen 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: **HIT DEVELOPMENT LLC**
1460 MOONRIVER DRIVE
PROVO, UT 84604

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
12/651,933	01/04/2010	David Elmo Aitken	

CONFIRMATION NO. 1146

97149
Maschoff Gilmore & Israelsen
1441 W. Ute Blvd., Suite 100
Park City, UT 84098-7633

POWER OF ATTORNEY NOTICE

OC000000049285097

Date Mailed: 08/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2011.

- 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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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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:	12/651,933	Filing date:	2010-01-04
First Named Inventor:	David Elmo Aitken		
Title of the Invention:	INCOMING WEB TRAFFIC CONVERSION		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/061851

The international filing date of the corresponding PCT application(s) is/are: December 22, 2010

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/651,933
First Named Inventor:	David Elmo Aitken

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
1-12	1-12	Substantially Identical

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

Signature /R. Burns Israelsen/ Reg. # 42685	Date 2011-11-07
Name (Print/Typed) R. Burns Israelsen	Registration Number 42685

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MASCHOFF GILMORE & ISRAELSEN
1441 W. UTE BLVD., SUITE 100
PARK CITY UT 84098-7633

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of
Aitken et al.
Application No.: 12/651,933
Filed: January 4, 2010
Attorney Docket No. H1078.10001US01
For: Incoming Web Traffic Conversion

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 7, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

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

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

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

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

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

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

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

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fail to meet requirement (5).

Regarding the requirement of condition (5), examination of the instant application has already begun. Accordingly, the request is hereby denied.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

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

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 25,2011

In re Application of :

Mark Mayer

Application No : 12651939

Filed : 04-Jan-2010

Attorney Docket No : LIKR.P001

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 25,2011

The request is **APPROVED.**

The request was signed by carl oppedahl (registration no. 32746) on behalf of all attorneys/agents associated with Customer Number 57380 . All attorneys/agents associated with Cusotmer Number 57380 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 Mark Mayer

Name2

Address 1 P.O. Box 189

Address 2

City Alma

State CO

Postal Code 80420

Country US

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

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

Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12651939
Filing Date	04-Jan-2010
First Named Inventor	Mark Mayer
Art Unit	1781
Examiner Name	VERA STULII
Attorney Docket Number	LIKR.P001
Title	Agave-plant-based composition of matter and methods of use

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 57380

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	Mark Mayer
Address	P.O. Box 189
City	Alma
State	CO
Postal Code	80420
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/s/
Name	carl oppedahl
Registration Number	32746

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MASCHOFF GILMORE & ISRAELSEN
1441 W. UTE BLVD., SUITE 100
PARK CITY, UT 84098-7633

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :
David Elmo Aitken et al :
Application No. 12/651,941 : DECISION ON PETITION
Filed: January 4, 2010 : TO WITHDRAW
Attorney Docket No. 18402.2 : 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**.

The request was signed by R. Burns Israelsen on behalf of all the practitioners of record.

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

All future correspondence will be directed to assignee Hit Development LLC at the below address.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Hit Development LLC
1460 Moonriver Drive
Provo, UT 84604

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
12/651,941	01/04/2010	David Elmo Aitken	18402.2

CONFIRMATION NO. 1159

97149
Maschoff Gilmore & Israelsen
1441 W. Ute Blvd., Suite 100
Park City, UT 84098-7633

POWER OF ATTORNEY NOTICE

OC000000048201597

Date Mailed: 06/15/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2011.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/651,941	01/04/2010	David Elmo Aitken	18402.2

CONFIRMATION NO. 1159

Hit Development LLC
1460 Moonriver Drive
Provo, UT 84604

POA ACCEPTANCE LETTER

OC00000004820164

Date Mailed: 06/15/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2011.

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

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MASCHOFF GILMORE & ISRAELSEN
1441 W. UTE BLVD., SUITE 100
PARK CITY, UT 84098-7633

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
David Elmo Aitken et al :
Application No. 12/651,941 : DECISION ON PETITION
Filed: January 4, 2010 : TO WITHDRAW
Attorney Docket No. 18402.2 : 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 20, 2011.

The request is **APPROVED**.

The request was signed by R. Burns Israelsen on behalf of all the practitioners of record.

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

All future correspondence will be directed to assignee Hit Development LLC at the below address.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Hit Development LLC
1460 Moonriver Drive
Provo, UT 84604

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
12/651,941	01/04/2010	David Elmo Aitken	18402.2

CONFIRMATION NO. 1159

97149
Maschoff Gilmore & Israelsen
1441 W. Ute Blvd., Suite 100
Park City, UT 84098-7633

POWER OF ATTORNEY NOTICE

OC000000048998293

Date Mailed: 08/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2011.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/651,941	01/04/2010	David Elmo Aitken	18402.2

CONFIRMATION NO. 1159

Hit Development LLC
1460 Moonriver Drive
Provo, UT 84604

POA ACCEPTANCE LETTER

OC00000048998343

Date Mailed: 08/01/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2011.

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

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NOVAK DRUCE DELUCA + QUIGG LLP
300 NEW JERSEY AVENUE NW
FIFTH FLOOR
WASHINGTON, DC 20001

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of
Joachim Rheinheimer, et al
Application No. 12/651,946
Filed: January 4, 2010
Attorney Docket No. 49012-05

ON PETITION

This is a decision on the petition, filed May 3, 2011, under 37 CFR 1.182 requesting the withdrawal of previously filed terminal disclaimer.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing certain petitions. In this instance, the fee required for treatment of this petition is $400. Petitioner submitted a fee of $130, without authorization to charge a fee deficiency to a deposit account.

In view of the above, the petition is **DISMISSED**.

It is noted, however, that a petition to withdraw the December 21, 2010 terminal disclaimer is not necessary, since the record already shows that the terminal disclaimer was disapproved.

As to acceptance of the new terminal disclaimer, consideration as to the propriety of the newly filed terminal disclaimer and entry, if proper, will be decided by the Technology Center in due course.

The application is being referred to Technology Center Art Unit 1626 for further processing consistent with this decision.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
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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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
SUITE 2300
LOS ANGELES CA 90017

MAILED

DEC 0 1 2010

OFFICE OF PETITIONS

In re Application of :
Dong Wook Roh et al :
Application No. 12/651,949 : DECISION GRANTING PETITION
Filed: January 4, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2101-3665C1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 29, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 15, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2477 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application
Vajdy et al.
Application No. 12/651,975
Filed: January 4, 2010
Attorney Docket No. EGNS-001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 22, 2011.

The request is **DISMISSED** because it is moot.

A review of the file record indicates that Bozicevic, Field & Francis LLP was revoked as attorney of record by the assignee on June 24, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-3800

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of
Gordon W. Young
Application No. 12/652,025
Filed: January 4, 2010
Attorney Docket No. 4759.YOID.NP

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 6, 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 Frank W. Compagni, on behalf of all attorneys/agents associated with customer number 26986. All attorneys/agents associated with customer number 26986 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: Gordon W. Young
4933 South 1065 East
Salt Lake City, UT 84117

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
12/652,025	01/04/2010	Gordon W. Young	4759.YOID.NP

CONFIRMATION NO. 1298

26986
MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

POWER OF ATTORNEY NOTICE

OC000000049036793

Date Mailed: 07/29/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/06/2011.

- 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Patent No. 7,885,538 :
Issue Date: February 8, 2011 :
Application No. 12/652,173 : DECISION ON PETITION
Filed: January 5, 2010 :
Attorney Docket No. **10873.2077USC1** :

This is a decision on the petition under 37 CFR 1.182, filed September 26, 2011, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 7,885,538 on February 8, 2011. Petitioner requests duplicate Letters of Patent be issued.

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

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to the Office of Data Management.

A copy of this decision is being forwarded to the Office of Data Management for issuance of a duplicate Letter of Patent.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Kimberly Terrell—Office of Data Management FAX: 571-270-9958

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/652,192	01/05/2010	Keiichi NOMURA	09627/LH	1663

1933 7590 10/11/2011

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
HAILEGIORGIS, FITWI Y

ART UNIT	PAPER NUMBER
2611	

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

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Alexandria, VA 22313-1450
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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of
NOMURA et al.
Application No.: 12/652,192
Filed: 05 January 2010
Attorney Docket No.: 09627/LH
For: TIME INFORMATION RECEIVER, RADIO WAVE TIMEPIECE ...

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 12 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

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: CFT-101-B	Application Number (if known): 12/652,205	Filing date: Jan. 5, 2010

First Named Inventor: Daniel McBride

Title: Hydrogen Supplementation Fuel Apparatus and Method

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment, Statement of Eligibility

Signature	Date August 15, 2011
Name (Print/Typed) Christian J. Garascia	Registration Number 39986

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

■ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/652,205	01/05/2010	Daniel McBride	CFT-101-B	1687

48980 7590 09/07/2011

YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

EXAMINER	
KAMEN, NOAH P	
ART UNIT	**PAPER NUMBER**
3783	

NOTIFICATION DATE	DELIVERY MODE
09/07/2011	ELECTRONIC

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

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

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

docketing@youngbasile.com
audit@youngbasile.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

YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

In re Application of :
MCBRIDE, DANIEL , et al :
Application No. 12/652,205 :
Filed: January 05, 2010 :
Attorney Docket No. CFT-101-B :

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

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

The petition is **granted.**

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Kazuyuki Kobayashi, et al.
Application No. 12/652,334
Filed: January 5, 2010
Attorney Docket No. 606402050000

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 28, 2010.

The request is **NOT APPROVED**.

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

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

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

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

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

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

cc: SANYO ELECTRIC CO., LTD
5-5 KEIHAN-HONDORI 2-CHOME
MORIGUCHI-SHI, OSAKA 570-8677
JAPAN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Vivek Kumar	)
Confirmation No.: 1033	)
	)
Serial No.: 12/652384	)
	)
Filing Date: 2010-01-05	)
	)
Atty Docket No.: 17851-678	)

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

Statement Concerning the Basis for the Special Status

SIR:

The present application relates generally to solar power systems and, more particularly, to a method and apparatus for monitoring and controlling a power system. (See [0001]).

Some known power systems convert solar energy into electrical energy. In some known solar power systems, a plurality of photovoltaic panels (also known as solar panels) are logically or physically grouped together to form an array of solar panels. The solar panel array generates electricity and transmits the energy to an electrical grid or other destination. (See [0002]).

Some known solar panel arrays include a large number of solar panels and may occupy a large surface area. For example, a solar panel array capable of producing 80 megawatts (MW) of electricity may occupy more than 600 acres of land. The solar panels in a solar panel array may be coupled to a plurality of controllers that monitor and/or control the solar panels. However, each controller

may be operated independently of each other controller. As such, a solar power system operator may be required to communicate with each controller individually to control and/or monitor an operation of the solar power system. Such solar power systems may be inefficient and/or time-consuming to operate. (See [0003]).

In accordance with the above, in one embodiment, a power system is provided. The power system includes a plurality of power generation units configured to generate power from a renewable energy source and at least one controller configured to be coupled to at least one power generation unit of the plurality of power generation units. The power system also includes a server configured to be communicatively coupled to the at least one controller. The server is configured to receive operational data from the at least one controller, transmit the operational data to a user, and control an operation of the power generation units. (See [0004]).

In another embodiment, a method of assembling a power system is provided. The method includes providing a plurality of solar panels and at least one inverter, coupling at least one controller to at least one solar panel of the plurality of solar panels and to at least one inverter, and communicatively coupling a server to the at least one controller. The server is configured to receive solar panel data from the at least one controller, transmit the solar panel data to a user, and control an operation of the solar panels. (See [0005]).

In another embodiment, a server for use in a power system having a plurality of solar panels and at least one controller is provided. The server

includes a communication module configured to be communicatively coupled to the at least one controller and an interface module configured to provide data communication between the server and a user. The server is configured to receive solar panel data from the at least one controller, provide the solar panel data to the user, and control an operation of the solar panels. (See [0006]).

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the discovery or development of renewable energy resources.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/
Allison W. Mages
Reg. No. 57,275

Dated: November 8, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

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: 236248	Application Number (if known): 12/652384	Filing date: 2010-01-05
First Named Inventor: Vivek Kumar		
Title: METHOD AND APPARATUS FOR MONITORING AND CONTROLLING A POWER 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: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date 2011-11-08
Name (Print/Typed) Allison W .Mages	Registration Number 57,275

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

☐ *Total of ..... forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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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.
12/652,384	01/05/2010	Vivek Kumar	236248 (17851-678)	1033

45364 7590 11/29/2011

JOHN S. BEULICK (17851)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

EXAMINER	
FAUTH, JUSTEN	

ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
11/29/2011	ELECTRONIC

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

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

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

uspatents@armstrongteasdale.com

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JOHN S. BEULICK (17851)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis MO 63105

In re Application of	:	
KUMAR et al.	:	DECISION ON PETITION
Application No. 12/652,384	:	TO MAKE SPECIAL UNDER
Filed: January 5, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 236248 (17851-678)	:	PILOT PROGRAM

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

The petition is **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 Colleen Dunn at 571-272-1170.

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

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/652,403	01/05/2010	Koji Abe	6639P866	1060

8791 7590 01/31/2011

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
HEITBRINK, TIMOTHY W	

ART UNIT	PAPER NUMBER
1744	

MAIL DATE	DELIVERY MODE
01/31/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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January 31, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Koji Abe et al.	:	PARTICIPATE IN PATENT
Serial No. 12/652,403	:	PROSECUTION HIGHWAY
Filed: January 05, 2010	:	PROGRAM AND
For: INJECTION MOLDING MACHINE	:	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 04, 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

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August 1, 2011

Christopher R. Glembocki
Banner & Witcoff, Ltd.
1100 13th Street, N.W.
Suite 1200
Washington, DC 20005-4051

Patent No.	: 7,864,591 B2
Appl. No.	: 12/652,418
Inventor(s)	: Tomoharu Tanaka, et al.
Issued	: January 4, 2011
Title	: **NON-VOLATILE SEMICOMDUCTOR MEMORY DEVICE ADAPTED TO STORE A MULTI-VALUED DATA IN A SINGLE MEMORY CELL**
Docket No.	: 001701.00364

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A petition to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460

vt

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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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 000449,001701
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Patent No. 7,864,591	:	
Issue Date : January 4, 2011	:	
Application No. 12/652,418	:	ON PETITION
Filed: January 5, 2010	:	
Attorney Docket No. 001701.00364	:	

This is a decision on the petition filed August 22, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/652,420	01/05/2010	Yasunori Aramaki	6639P867	1086

7590 09/22/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2192	
MAIL DATE	DELIVERY MODE
09/22/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Nimi James

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.
12/652,420	01/05/2010	Yasunori Aramaki	6639P867	1086

7590 09/22/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2192	
MAIL DATE	DELIVERY MODE
09/22/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Replacement data 09/22/2010

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Alexandria, VA 22313-1450
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MASS ENGINEERED DESIGN INC.
474 WELLINGTON STREET WEST
TORONTO ON M5V-1E3 CA CANADA

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Moscovitch, Gerald	:	
Application No. 12/652,521	:	ON PETITION
Filed: January 5, 2010	:	
Attorney Docket No. 9US1US1US	:	

This is a notice regarding your request, filed August 4, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

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

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

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

Application No:	12/652,661	Filing date:	05 January 2010
First Named Inventor:	Melissa R. Kieling		
Title of the Invention:	COLLAPSIBLE INSULATED CONTAINER		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/32249

The international date of the corresponding PCT application(s) is/are: 23 April 2010

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/652,661
First Named Inventor:	Melissa R. Kieling

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 February 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 11 February 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-21	1-21	same claims

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

Signature /Pattric J. Rawlins/	Date 11 FEB 2011
Name (Print/Typed) Pattric J. Rawlins	Registration Number 47,887

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.
12/652,661	01/05/2010	Melissa R. Kieling	117103-001UTL	1535

27189 7590 02/15/2011

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER	
CASTELLANO, STEPHEN J	
ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
02/15/2011	ELECTRONIC

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

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

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

docketing@procopio.com
PTONotifications@procopio.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

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of	:
KIELING, MELISSA R. et al	: DECISION ON REQUEST TO
Application No. 12/652,661	: PARTICIPATE IN PATENT
Filed: Jan. 5, 2010	: PROSECUTION HIGHWAY
Attorney Docket No 117103-001UTL	: PILOT PROGRAM AND PETITION
For: COLLAPSIBLE INSULATED CONTAINER	: 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. 11, 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 Anthony Stashick, the SPE of Art Unit 3781 and (571)272-4561 for Class 220/592 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

PERKINS COIE, LLP
PO BOX 1208
SEATTLE, WA 98111-1208

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of
Michael K. Madison, III, et al.
Application No. 12/652,671
Filed: January 5, 2010
Attorney Docket No. 65841-8001.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 July 28, 2010.

The request is **NOT APPROVED**.

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

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

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

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

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

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

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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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of	:	
LAM, et al	:	
Application No. 12/652,700	:	DECISION ON PETITION
Filed: January 5, 2010	:	
Attorney Docket No. PALM-3787.SG.CON2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 24, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 25, 2011. A Notice of Abandonment was mailed June 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and publication fee of $300; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

The petition fee of $1620 as required under the provisions of 37 CFR 1.137(b), will be charged as authorized to Deposit Account No. 08-2025.

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.

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

This matter is being referred to the Office of Data Management for processing into a patent.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/652,704	01/05/2010	Craig Michael Ciesla	TACT-P04	1625

49142 7590 10/15/2010

SCHOX PLC
500 3rd Street, Suite 515
San Francisco, CA 94107

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

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):

jeff@SchoxPLC.com
docketing@SCHOXPLC.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

SCHOX PLC
500 3rd Street, Suite 515
San Francisco CA 94107

Applicant: Ciesla et al.
Appl. No.: 12/652,704
Filing Date: January 5, 2010
Title: USER INTERFACE SYSTEM
Attorney Docket No.: TACT-P04
Pub. No.: US 2010/0171719 A1
Pub. Date: July 8, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 7, 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

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.
12/652,708	01/05/2010	Craig Michael Ciesla	TACT-P05	1630

49142 7590 10/29/2010

SCHOX PLC
500 3rd Street, Suite 515
San Francisco, CA 94107

EXAMINER	
ART UNIT	PAPER NUMBER
2629	

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):

jeff@SchoxPLC.com
docketing@SCHOXPLC.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

SCHOX PLC
500 3rd Street, Suite 515
San Francisco CA 94107

Applicant: Ciesla et al.
Appl. No.: 12/652,708
Filing Date: January 5, 2010
Title: USER INTERFACE SYSTEM
Attorney Docket No.: TACT-P05
Pub. No.: US 2010/0171720 A1
Pub. Date: July 8, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 19, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. In addition, the applicant did not provide a copy of the application papers for publication purposes. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/6/2011

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/652720 Patent No.: 7982014 B2

CofC mailroom date: 8/24/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

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

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

Comments: _____

ELLY-GERALD STOICA
Primary Examiner 1647

SPE

1647
Art Unit

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

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

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

Application No:	12/652,853	Filing date:	January 6, 2010
First Named Inventor:	Kevin J. Wain		
Title of the Invention:	BLADES FOR SHAVING RAZORS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/056777

The international date of the corresponding PCT application(s) is/are: November 16, 2010

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(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 _____

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

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

(continued)

Application No.:	12/652,853
First Named Inventor:	Kevin J. Wain

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 (Preliminary Amendment)	3	US claim 1 has all of the same limitations as claim 3 of the corresponding PCT application
4 (Preliminary Amendment)	4	US claim as all of the same limitations as claim 4 of the corresponding PCT application
5 (Preliminary Amendment)	5	US claim has all of the same limitations as claim 5 of the corresponding PCT application
6 (Preliminary Amendment)	6	US claim has all of the same limitations as claim 6 of the corresponding PCT application
7 (Preliminary Amendment)	7	US claim has all of the same limitations as claim 7 of the corresponding PCT application
8 (Preliminary Amendment)	8	US claim has all of the same limitations as claim 8 of the corresponding PCT application
9 (Preliminary Amendment)	9	US claim has all of the same limitations as claim 9 of the corresponding PCT application
10 (Preliminary Amendment)	10	US claim has all of the same limitations as claim 10 of the corresponding PCT application
11 (Preliminary Amendment)	11	US claim has all of the same limitations as claim 11 of the corresponding PCT application
12 (Preliminary Amendment)	12	US claim has all of the same limitations as claim 12 of the corresponding PCT application
13 (Preliminary Amendment)	13	US claim has all of the same limitations as claim 13 of the corresponding PCT application

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

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature	/John M. Lipchitz/	Date	November 8, 2011
Name (Print/Typed)	John M. Lipchitz	Registration Number	60,442

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.
12/652,853	01/06/2010	Kevin James Wain	Z-8407M	1936

27752 7590 11/29/2011

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER	
ASHLEY, BOYER DOLINGER	
ART UNIT	**PAPER NUMBER**
3724	

MAIL DATE	DELIVERY MODE
11/29/2011	PAPER

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

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

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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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of:
WAIN, KEVIN JAMES
Serial No.: 12/652,853
Filed: 01/06/2010
Attorney Docket No. : Z-8407-M
Title: BLADES FOR SHAVING RAZORS

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 Nov. 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 PCT applications filed in the IPAU, 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

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.
12/652,880	01/06/2010	Yoshikazu KUROUMARU	143742	1990

25944 7590 02/28/2011

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

EXAMINER	
LE, DAVID D	
ART UNIT	**PAPER NUMBER**
3655	

NOTIFICATION DATE	DELIVERY MODE
02/28/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re application of	:	DECISION ON PETITION
(Yoshikazu KUROUMARU et al.)	:	TO CORRECT INVENTORSHIP
Serial Number: 12/652,880	:	UNDER 37 CFR. 1. 48 (a)
Filed: January 6, 2010	:	
For: GEARSET AND NUTATION GEAR SET	:	

This is a decision on the petition filed on November 05, 2010 under 37 CFR 1.48(a) to correct the inventorship of the above identified application.

The petition is GRANTED.

The application was filed on January 6, 2010 listing Yoshikazu Kuroumaru, Masahide Nitano, and Satoshi Motoyama as the inventors.
On November 05, 2010, applicants filed the present petition to add as inventor: Makoto Yamasawa.
It has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship.

Accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed to Yoshikazu Kuroumaru, Masahide Nitano, Satoshi Motoyama, and Makoto Yamasawa.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/David D. Le/
Supervisory Patent Examiner Art Unit 3655
Technology Center 3600
(571) 272-7092
Facsimile No.: (571) 273-7092

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Daniel D. Hale
12841 Longden
Garden Grove CA 92845

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of

Daniel Dee Hale

Application No. 12/653,068

Filed: December 7, 2009

Attorney Docket No.

DECISION ON PETITION

This is responsive to the petition to withdraw the holding of abandonment under 37 CFR 1.181(a) filed September 13, 2010.

The petition is **dismissed**. Petitioner may file a renewed petition to withdraw the holding of abandonment or file a petition under 37 CFR 1.137 as explained below.

This application was held abandoned March 6, 2010, after no reply was received to the Notice to File Missing Parts of Non-Provisional Application mailed January 5, 2010. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on March 6, 2010. A Notice of Abandonment was mailed August 26, 2010. The instant petition was filed on September 13, 2010. Petitioner maintains that the notice of January 5, 2010, was never received.

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

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not made the evidentiary showing specified above. Petitioner has not made the required statements as indicated above and has not provided a copy of the master docket for the two month period for reply set forth by the Notice of January 5, 2010. If a master docket does not exists, petitioner is required to state this in the renewed petition and provide any other corroborative evidence that petitioner may have to substantiate the claim that the Notice was not received. **If petitioner is a pro se applicant, petitioner may provide a copy of the file petitioner maintains containing the papers received from, and filed with, the USPTO and a copy of any calendar or journal petitioner may keep concerning the communications with the USPTO relative to the application.**[1] A copy of the Notice to File Missing Parts of Non-Provisional Application mailed January 5, 2010, is enclosed for petitioner's convenience.

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

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

[1] Petitioner is cautioned to maintain a log, calendar, or journal of the correspondence and/or fees petitioner sends to and receives from the USPTO. The Office understands that a pro se applicant will not have the resources of a law firm and will not have an extensive docketing system. However, it is reasonable to expect that petitioner will keep a simple log or calendar in which petitioner records the date and kind of correspondence sent to the USPTO and received from the USPTO. Maintaining such a log will serve as *prima facie* evidence that correspondence by the Office was not received and avoid the necessity of filing a petition under 37 CFR 1.137 and paying the petition fee.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy— Notice to File Missing Parts of Non-Provisional Application

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/653,068	12/07/2009	Daniel Dee Hale	

CONFIRMATION NO. 9294

Daniel D. Hale
12841 Longden
Garden Grove, CA 92845

FORMALITIES LETTER

OC00000039449910

Date Mailed: 01/05/2010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Additional claim fees of **$110** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$110** for a small entity
- Total additional claim fee(s) for this application is **$110**
  - **$110** for **11** independent claims over 3.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/schin/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

Daniel D. Hale
12841 Longden
Garden Grove CA 92845

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of

Daniel Dee Hale

Application No. 12/653,068

Filed: December 7, 2009

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed December 8, 2010.

The petition is **granted**.

This application was held abandoned March 6, 2010, after no reply was received to the Notice to File Missing Parts of Non-Provisional Application mailed January 5, 2010. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on March 6, 2010. A Notice of Abandonment was mailed August 26, 2010. A petition was filed on September 13, 2010, and dismissed by a decision mailed November 22, 2010. The instant renewed petition was filed December 8, 2010. Petitioner maintains that the notice of January 5, 2010, was never received.

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

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

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing that will include remailing the Notice to File Missing Parts of Non-Provisional Application and resetting of the period for reply.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paul S. Rooy
2620 South Peninsula Drive
Daytona Beach, FL 32118

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of Novokhatski et al. :
Application No. 12/653,102 : Letter
Filing Date: December 8, 2009 :
Attorney Docket No. 0926UR :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 19, 2010.

The deficiency payment of $675 is hereby accepted.

The change of status to large entity has been entered and made of record.

The file is being forwarded to Files Repository.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BERNARD J. LACOMIS
137 BINGHAM RD.
CARLILSE, MA 01741

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Application of Lukic et al. :
Application No. 12/653,119 : Decision on Petition
Filing Date: March 9, 2010 :
Attorney Docket No. WBL-01 :

This is a decision in response to the "Petition under CFR 1.57(A)" filed March 9, 2010, which requests the application be accorded a filing date of December 8, 2009, and requests entry of the specification and drawings filed March 9, 2010.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.57."

Facts

The "application" papers submitted on December 8, 2009, consisted of three pages. Two of the three pages consisted of a form titled, "Request for Filing a Continuation or Division of an International Application." The third page stated,

> Presented for filing herewith is a new patent application.... The new application is a continuation of International Application PCT/US08/01794 which is incorporated in its entirety into the application filed herewith.
>
> Priority is hereby claimed under 35 USC § 119 based upon the following application: US Provisional Application No. 60/933,929 filed on 08 June 2007.
>
> Priority is also hereby claimed under 35 USC § 120 based upon the following application: PCT/US08/01794, filed on 09 June 2008.
>
> The specification of the new filing, including abstract, description, claims and drawings, has not been included herewith, as it was filed in the US Receiving Office. No

amendments to the specification or claims of the International Application have been made to date.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on January 5, 2010. The Notice indicated the previously submitted application papers did not include a specification or at least one claim. The Notice also indicated a filing date would be accorded upon the submission of the missing items.

The instant petition requests entry of the missing material under 37 C.F.R. § 1.57 based on the priority claim to International Application No. PCT/US08/01794) ("PCT Application") set forth on the third page filed March 9, 2010.

Discussion

Pursuant to MPEP § 201.17(II), the following requirements must be met for an applicant to add omitted material to an application pursuant to 37 C.F.R. § 1.57(a):

(A) the application must have been filed on or after September 21, 2004;
(B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
(C) a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
(D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
(E) applicant must file an amendment 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 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
(F) if the application is not otherwise entitled to a filing date, applicant must also file a petition under 37 CFR 1.57(a) accompanied by the petition fee set forth in 37 CFR 1.17(f);
(G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and
(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

The petition fails to satisfy items (B), (C), (D), (E), and (G) set forth above.

With respect to item (B), a party may not add material to an application under 37 C.F.R. § 1.57(a) unless the material was inadvertently omitted from the original application papers. The third page of the papers filed December 8, 2009 states, "The specification of the new filing, including abstract, description, claims and drawings, has not been included herewith." In view of the quoted language, the omission of the missing items was not inadvertent.

With respect to item (C), in order to add missing material from a prior application to a later-filed application under 37 C.F.R. § 1.57, the later-filed application must contain a *proper* claim for priority based on the prior application. However, the priority claim based on the PCT Application is not a proper priority claim under 37 C.F.R. § 1.78.

The priority claim is improper because the claim was not located in the first sentence of the specification or an Application Data Sheet as required in 37 C.F.R. § 1.78(a)(2)(iii). The priority claim is also improper because the priority claim fails to identify the relationship between the PCT Application and the instant application. Pursuant to 37 C.F.R. § 1.78(a)(2)(i), a priority claim to a prior-filed international application must indicate the "relationship of the applications." The priority claim filed December 8, 2009, does not indicate the relationship between the instant application and the PCT Application. Specifically, the claim fails to state whether or not the instant application is a continuation, divisional, or continuation-in-part of the PCT Application. Therefore, the priority claim is not a proper priority claim.

With respect to item (D), in order to add missing material under 37 C.F.R. § 1.57, a party must establish the missing material was completely contained in the prior application. The petition has failed to establish the missing material was completely contained in the priority application. Specifically, as a result of Petitioners' failure to file a copy of the PCT Application with the petition, the Office cannot verify the missing material is completely contained in the prior application.

With respect to item (E), in order to add missing material under 37 C.F.R. § 1.57(a), an amendment adding the material must be filed. An amendment adding the material has not been filed.

With respect to item (G), in order to add missing material under 37 C.F.R. § 1.57(a), a party must supply a copy of the prior-filed application, unless the prior application was filed under 35 U.S.C. § 111. Since the PCT Application was not filed under 35 U.S.C. § 111, a copy of the PCT Application is required. A copy of the prior application was not filed with the petition.

In view of the prior discussion, the petition under 37 C.F.R. § 1.57 must be dismissed.

Applicants May Wish to File a Petition Under 37 C.F.R. § 1.182.

If an application filed on Date X is not accorded a filing date due to lack of material which has been *explicitly* incorporated by reference, a party may obtain a filing date of Date X by taking the following actions:

1. Filing a petition under 37 C.F.R. § 1.182, which requests the missing material be added pursuant to the express incorporation by reference *and* requests the application be accorded a filing date of Date X,
2. Filing the required petition fee of $400, and
3. Filing an amendment to add the missing material.

The third page of the documents filed December 8, 2009, expressly incorporates by reference the PCT Application. Therefore, Applicants may wish to take the actions identified above.

Conclusion

The petition under 37 C.F.R. § 1.57 is dismissed.

Unless a request for reconsideration under 37 C.F.R. § 1.57 or a petition under 37 C.F.R. § 1.182 is filed within two months of the mailing date of the instant decision, the Office of Patent Application Processing will be instructed to accord the application a filing date of March 9, 2010, and to process the application using the specification and drawings filed March 9, 2010.

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

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

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

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

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

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

Christopher Bottorff
Supervisor
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BERNARD J. LACOMIS
137 BINGHAM RD.
CARLILSE, MA 01741

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of Lukic et al. :
Application No. 12/653,119 : Decision on Petition
Filing Date: March 9, 2010 :
Attorney Docket No. WBL-01 :

This is a decision in response to the "Petition under 37 CFR § 1.182" filed November 12, 2010, which requests the application be accorded a filing date of December 8, 2009, and requests entry of the specification (including claims and abstract) and drawings filed March 9, 2010.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.182."

Facts

The "application" papers submitted on December 8, 2009, consisted of three pages. Two of the three pages consisted of a form titled, "Request for Filing a Continuation or Division of an International Application." The third page stated,

> Presented for filing herewith is a new patent application.... The new application is a continuation of International Application PCT/US08/01794 which is incorporated in its entirety into the application filed herewith.
>
> Priority is hereby claimed under 35 USC § 119 based upon the following application: US Provisional Application No. 60/933,929 filed on 08 June 2007.
>
> Priority is also hereby claimed under 35 USC § 120 based upon the following application: PCT/US08/01794, filed on 09 June 2008.
>
> The specification of the new filing, including abstract, description, claims and drawings, has not been included herewith, as it was filed in the US Receiving Office. No

amendments to the specification or claims of the International Application have been made to date.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on January 5, 2010. The Notice indicated the previously submitted application papers did not include a specification or at least one claim. The Notice also indicated a filing date would be accorded upon the submission of the missing items.

Petitioner filed the following items on March 9, 2010:

1. A petition under 37 C.F.R. § 1.57,
2. An executed declaration, and
3. Copies of the specification, claims, abstract, and drawings filed in International Application No. PCT/US08/01794) ("PCT Application").

A decision dismissing the petition under 37 C.F.R. § 1.57 was mailed September 10, 2010. The decision indicated Applicants might wish to consider filing a petition under 37 C.F.R. § 1.182. The decision stated, with emphasis in the original,

> If an application filed on Date X is not accorded a filing date due to lack of material which has been *explicitly* incorporated by reference, a party may obtain a filing date of Date X by taking the following actions:
>
> 1. Filing a petition under 37 C.F.R. § 1.182, which requests the missing material be added pursuant to the express incorporation by reference *and* requests the application be accorded a filing date of Date X,
> 2. Filing the required petition fee of $400, and
> 3. Filing an amendment to add the missing material.
>
> The third page of the documents filed December 8, 2009, expressly incorporates by reference the PCT Application. Therefore, Applicants may wish to take the actions identified above.

Petitioner filed the following items on November 12, 2010:

1. A petition under 37 C.F.R. § 1.182 requesting the missing material be added pursuant to an express incorporation by reference *and* requests the application be accorded a filing date of December 8, 2009,
2. The required petition fee of $400, and
3. An amendment to insert the following language in the specification:

> This application is based upon and claims priority to International Application No. PCT/US2008/07194, which is hereby incorporated by reference into this application in its entirety.

Discussion

A petition under 37 C.F.R. § 1.182 requesting a filing date based on an explicit incorporation by reference must include "an amendment submitting the necessary omitted material" and must request the omitted material "submitted in the amendment" be included in the application. M.P.E.P. § 201.06(c)(IV),

The September 10, 2010 decision stated, "An amendment adding the [missing] material has not been filed," and stated a petition under 37 C.F.R. § 1.182 should include "an amendment to add the missing material."

The instant petition is not accompanied by an amendment adding the missing material to the application. Therefore, the petition cannot be granted.

Any request for reconsideration should include an amendment adding the missing material.

Unless a request for reconsideration under 37 C.F.R. § 1.182 is filed within two months of the mailing date of the instant decision, the Office of Patent Application Processing will be instructed to accord the application a filing date of March 9, 2010, and to process the application using the specification and drawings filed March 9, 2010.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BERNARD J. LACOMIS
137 BINGHAM RD.
CARLILSE, MA 01741

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of Lukic et al. :
Application No. 12/653,119 : Decision on Petition
Filing Date: March 9, 2010 :
Attorney Docket No. WBL-01 :

This is a decision in response to the "Renewed Petition under 37 CFR § 1.182" filed May 25, 2011, which requests the application be accorded a filing date of December 8, 2009, and requests entry of the specification (including claims and abstract) and drawings filed May 25, 2010.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.182."

Facts

The "application" papers submitted on December 8, 2009, consisted of three pages. Two of the three pages consisted of a form titled, "Request for Filing a Continuation or Division of an International Application." The third page stated,

> Presented for filing herewith is a new patent application.... The new application is a continuation of International Application PCT/US08/01794 which is incorporated in its entirety into the application filed herewith.
>
> Priority is hereby claimed under 35 USC § 119 based upon the following application: US Provisional Application No. 60/933,929 filed on 08 June 2007.
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> Priority is also hereby claimed under 35 USC § 120 based upon the following application: PCT/US08/01794, filed on 09 June 2008.
>
> The specification of the new filing, including abstract, description, claims and drawings, has not been included herewith, as it was filed in the US Receiving Office. No

amendments to the specification or claims of the International Application have been made to date.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on January 5, 2010. The Notice indicated the previously submitted application papers did not include a specification or at least one claim. The Notice also indicated a filing date would be accorded upon the submission of the missing items.

Petitioner filed the following items on March 9, 2010:

1. A petition under 37 C.F.R. § 1.57,
2. An executed declaration, and
3. Copies of the specification, claims, abstract, and drawings filed in International Application No. PCT/US08/01794) ("PCT Application").

A decision dismissing the petition under 37 C.F.R. § 1.57 was mailed September 10, 2010. The decision indicated Applicants might wish to consider filing a petition under 37 C.F.R. § 1.182. The decision stated, with emphasis in the original,

> If an application filed on Date X is not accorded a filing date due to lack of material which has been *explicitly* incorporated by reference, a party may obtain a filing date of Date X by taking the following actions:
>
> 1. Filing a petition under 37 C.F.R. § 1.182, which requests the missing material be added pursuant to the express incorporation by reference *and* requests the application be accorded a filing date of Date X,
> 2. Filing the required petition fee of $400, and
> 3. Filing an amendment to add the missing material.
>
> The third page of the documents filed December 8, 2009, expressly incorporates by reference the PCT Application. Therefore, Applicants may wish to take the actions identified above.

Petitioner filed the following items on November 12, 2010:

1. A petition under 37 C.F.R. § 1.182 requesting the missing material be added pursuant to an express incorporation by reference *and* requests the application be accorded a filing date of December 8, 2009,
2. The required petition fee of $400, and
3. An amendment to insert the following language in the specification:

> This application is based upon and claims priority to International Application No. PCT/US2008/07194, which is hereby incorporated by reference into this application in its entirety.

The Office mailed a decision dismissing the November 12, 2010 petition on March 21, 2010. The decision stated,

> A petition under 37 C.F.R. § 1.182 requesting a filing date based on an explicit incorporation by reference must include "an amendment submitting the necessary omitted material" and must request the omitted material "submitted in the amendment" be included in the application. M.P.E.P. § 201.06(c)(IV),
>
> The September 10, 2010 decision stated, "An amendment adding the [missing] material has not been filed," and stated a petition under 37 C.F.R. § 1.182 should include "an amendment to add the missing material."
>
> The instant petition is not accompanied by an amendment adding the missing material to the application. Therefore, the petition cannot be granted.
>
> Any request for reconsideration should include an amendment adding the missing material.

The instant petition and an amendment were filed May 25, 2011.

Discussion

If the amendment filed with the May 25, 2011 petition simply added material previously incorporated by reference, the petition would be granted. Unfortunately, the amendment seeks to add material that was not incorporated by reference.

The petition states, with emphasis added,

> The new specification is identical to the [specification incorporated by reference] *except for* the addition of the second sentence of the paragraph entitled "Cross-Reference to Related Patent Applications."

The specification filed with the amendment includes the following language:

> This application also hereby claims priority by reference hereto under 35 U.S.C. § 119 to PCT/US08/01794, filed on June 9, 2008, the disclosure of which is hereby incorporated by reference in its entirety hereinto by reference.

The specification filed in International Application No. PCT/US08/01794 ("PCT Application") did not include a priority claim based on itself. Therefore, the priority claim based on the PCT application was not part of the material incorporated by reference. Since the specification includes material that was *not* incorporated by reference, the petition must be dismissed.

A new amendment adding material previously incorporated by reference, *and no other material*, should be filed.

If Petitioner wishes for the specification to include a priority claim, which was not set forth in the specification filed in the PCT Application, Petitioner should file a *separate* amendment to add the claim. The Office notes Petitioner will need to file a petition under 37 C.F.R. § 1.55(c) if an amendment is filed adding a claim for priority under 35 U.S.C. § 119 to the PCT Application to the specification because such a priority claim was not filed within the time limits set forth in 37 C.F.R. § 1.55(a).

Unless a request for reconsideration under 37 C.F.R. § 1.182 is filed within two months of the mailing date of the instant decision, the Office of Patent Application Processing will be instructed to accord the application a filing date of March 9, 2010, and to process the application using the specification and drawings filed March 9, 2010.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

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

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SEP 19 2011
OFFICE OF PETITIONS

BERNARD J. LACOMIS
137 BINGHAM RD.
CARLILSE, MA 01741

In re Application of Lukic et al. :
Application No. 12/653,119 : Decision on Petition
Filing Date: December 8, 2009 :
Attorney Docket No. WBL-01 :

This is a decision in response to the "Renewed Petition under 37 CFR § 1.182" filed August 18, 2011, which requests the application be accorded a filing date of December 8, 2009, and requests entry of the specification (including claims and abstract) and drawings filed August 18, 2011.

The petition is **granted**.

The "application" papers submitted on December 8, 2009, consisted of three pages. Two of the three pages consisted of a form titled, "Request for Filing a Continuation or Division of an International Application." The third page stated,

> Presented for filing herewith is a new patent application.... The new application is a continuation of International Application PCT/US08/01794 which is incorporated in its entirety into the application filed herewith.
>
> Priority is hereby claimed under 35 USC § 119 based upon the following application: US Provisional Application No. 60/933,929 filed on 08 June 2007.
>
> Priority is also hereby claimed under 35 USC § 120 based upon the following application: PCT/US08/01794, filed on 09 June 2008.
>
> The specification of the new filing, including abstract, description, claims and drawings, has not been included herewith, as it was filed in the US Receiving Office. No amendments to the specification or claims of the International Application have been made to date.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on January 5, 2010. The Notice indicated the previously submitted application papers did not include a specification or at least one claim. The Notice also indicated a filing date would be accorded upon the submission of the missing items.

Applicants filed a petition under 37 C.F.R. § 1.57 on March 9, 2010.

A decision dismissing the petition under 37 C.F.R. § 1.57 was mailed September 10, 2010. The decision indicated Applicants might wish to consider filing a petition under 37 C.F.R. § 1.182.

Applicants filed a petition under 37 C.F.R. § 1.182 on November 12, 2010.

The Office mailed a decision dismissing the November 12, 2010 petition on June 15, 2011. The decision stated the petition could not be granted because an amendment adding the missing material had not been filed.

The instant petition includes an amendment adding the missing material.

In view of the prior discussion, the petition is granted.

The Office of Patent Application Processing ("OPAP") will be informed of the instant decision. Thereafter, OPAP will process the application with a filing date of December 8, 2009, using the papers filed December 8, 2009, and the specification (including claims and abstract) and drawings filed August 18, 2011.

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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Alexandria, VA 22313-1450
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NOV 17 2010

OFFICE OF PETITIONS

KENNETH A. BUFFINGTON
SUITE #100
4434 COLUMBIA RD.
MARTINEZ GA 30907

In re Application of :
Bailey et al. :
Application No. 12/653,138 : DECISION ON PETITION
Filed: December 9, 2009 :
Title: Archery Bow Stabilizer :

This is a decision on the petition, filed October 14, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) mailed January 5, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on September 17, 2010.

Petitioner asserts that the Office action dated January 5, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

(1) A statement from 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.

(2) A statement from the practitioner 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.

(3) 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.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

In view of the fact that petitioner has submitted the reply to the Notice with the instant petition, this application is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3711 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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PO BOX 607
PLEASANTON, CA 94566

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JUN 27 2011

OFFICE OF PETITIONS

In re Application of :
Werner Lang, et al. :
Application No. 12/653,214 : DECISION ON PETITION
Filed: December 9, 2009 :
Attorney Docket No. WBF-0091C :

This is a decision on the petition, filed June 6, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before March 30, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed December 30, 2010. A Notice of Abandonment was mailed on April 14, 2011.

Petitioner asserts that the Office action dated December 30, 2010 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of December 30, 2010. In this regard, the Office action in question was mailed to the wrong address. Office records indicate that there was a power of attorney filed December 9, 2009 that was processed and accepted January 7, 2010. The request indicated that the correspondence address should be Imperium Patents Works at PO Box 607, Pleasanton, CA 94566 by way of Customer Number 47713. Accordingly, as the Notice of Allowance and Fee(s) Due was mailed to the wrong address, the Notice of Abandonment mailed April 14, 2011 is hereby **vacated** and the holding of abandonment **withdrawn**.

Since petitioner has already satisfied the requirements listed in the Notice of Allowance by providing payment for the Issue fee and publication fee, this application is being forwarded to the Office of Data Management for further processing in accordance with this decision on petition.

Telephone inquiries concerning this decision should be directed to April M., Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/653,245	12/09/2009	Gc Wei	33320.03074.US02/3074	2310

13565 7590 08/04/2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER	
SWOPE, SHERIDAN	

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
08/04/2011	PAPER

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

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

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Alexandria, VA 22313-1450
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AUG 04 2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Wei et al.
Serial No.: 12/653,245
Filed: December 9, 2009
Attorney Docket No:
33320.03074.US02/3074

: PETITION DECISION

This is in response to the petition filed on July 5, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on February 19, 2010 and July 9, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on February 19, 2010 and July 9, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on February 19, 2010 and July 9, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (February 19, 2010, "Transmittal Letter" of 2 pages; and July 9, "Transmittal Letter" of 3 pages). Consequently, the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statement of February 19, 2010 and July 9, 2010.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of February 19, 2010 and July 9, 2010 which was misclassified in PAIR as a "Transmittal Letter" (February 19, 2010, "Transmittal Letter" of 2 pages; and July 9, "Transmittal Letter" of 3 pages).

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

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

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER CO 80202-5647

MAILED
JAN 26 2011
OFFICE OF PETITIONS

In re Application of :
MCCORMACK, Bruce M. et al. :
Application No. 12/653,283 : DECISION ON PETITION
Filed: December 10, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **P190868.US.05** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Edward Eyster attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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

The application is being forwarded to the Technology Center Art Unit 3775 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Robert L. Rispoli
Precision Combustion, Inc.
410 Sackett Point Road
North Haven, CT 06473

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NOV 12 2010

OFFICE OF PETITIONS

In re Application of :
William C. PFEFFERLE :
Application No. 12/653,292 :
Filed: September 3, 2009 :
Attorney Docket No. **MOI 319** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 17, 2010 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification of attorney Robert L. Rispoli, attesting to the age of inventor William C. Pfefferle. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-1700.

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

The application is being forwarded to the Technology Center Art Unit 1734 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner, Office of Petitions

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SHELDON MAK & ANDERSON PC
100 Corson Street
Third Floor
PASADENA CA 91103-3842

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert Parker, et al.	:	
Application No. 12/653,294	:	DECISION ON PETITION
Filed: December 11, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 20093-1 US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 29, 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 attorney of record declaring that he/she is in possession of evidence, and will retain such in the application file record, showing that the inventor, Robert Parker is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1787 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

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OCT 20 2010

OFFICE OF PETITIONS

In re Application of :
Hajime Nakagawa :
Application No. 12/653,318 : DECISION GRANTING PETITION
Filed: December 11, 2009 :
Attorney Docket No.: 4041J-001636/US :

This is a decision on the petition, filed August 23, 2010, requesting that the above-identified application be accorded a filing date of December 11, 2009, instead of the presently accorded date of December 12, 2009. The petition is being treated under 37 CFR 1.10(d).

Petitioner maintains that the application was deposited in Express Mail service with the U. S. Postal Service (USPS) on December 11, 2009; however, the USPS entered the incorrect date on the Express Mail label. In support, petitioner provides, a copy of the Express Mail label, receipt No. EM 183 867 765 US, indicating a "date in" of "12/12"; the attorney's Express Mail Log, indicating a USPS pick date of December 11, 2009; and the USPS Track & Confirm record, indicating that the package bearing Express Mail label No. EM 183 867 765 US was "processed through Sort Facility, December 11, 2009, 6:46 pm, Detroit, MI 48242"

Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in ' 10.1(r) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Director that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS."

Preliminarily, it is concluded that the petition was filed promptly within the meaning of §1.10(d)(1). The evidence of record further shows that the number of the "Express Mail" mailing label, EM 183 867 765 US, is on the correspondence of record presently accorded a filing date of December 12, 2009, and thus, was placed on the correspondence prior to the original mailing.

Finally, the USPS Track & Confirm records confirms that the package bearing Express Mail label No. EM 183 867 765 US was processed through Sort Facility, December 11, 2009. Accordingly, the record establishes that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day.

Having considered the evidence, it is concluded that the "date-in" on the "Express Mail" mailing label was incorrectly entered by the USPS, and that the requested filing date, December 11, 2009, is the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup of the day. The proper date to be accorded this application is December 11, 2009, not December 12, 2009.

The petition is **GRANTED**. Under the circumstances, no petition fee is required. The $400 petition fee is being refunded in the form of a credited to counsel's deposit account.

This application file is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to December 11, 2009 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 3204. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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RAYMOND SUN
12420 WOODHALL WAY
TUSTIN CA 92782

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OFFICE OF PETITIONS

In re Application of :
Jin Shan PAN et al. :
Application No. 12/653,349 : DECISION ON PETITION
Filed: December 11, 2099 :
Attorney Docket No. ING.064 :

This is a decision on the petition, November 14, 2011 which is being treated as a petition under 37 CFR 1.8(b) (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.8(b) is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed April 01, 2011, which set a three (3) month shortened statutory period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on July 02, 2011.

Petitioner states that a timely reply was mailed via certificate of mailing on June 03, 2011. Petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) which includes a date stamped of June 07, 2011, which would have rendered the reply timely. Petitioner also asserts that the Office placed the response in the serial number 12/643,349 instead of 12/653,349.

A review of the Office records indicates that a response was filed June 07, 2011, with a Certificate of Mailing dated June 03, 2011. In processing by the Office the response was initially placed in 12/643,349. However a subsequent review of the identifiers by the Office indicates that the correct serial number should have been 12/653,349. The Office moved the response of June 07, 2011 from 12/643,349 to 12/653,349 and the amendment will be entered. The Office further notes that some pages of the originally filed documents contained the incorrect serial number 12/643,349.

In view of the above, the holding of abandonment for failure to timely file a reply to the Office action of April 01, 2011, is hereby withdrawn and the application is restored to pending status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application file is being referred to Technology Center AU 2829 for appropriate action on the concurrently filed amendment.

Thurman Page
Petitions Examiner
Office of Petitions

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MAY 23 2011
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Bo-In Lin
13445 Mandoli Drive
Los Altos Hills, CA 94022

In re Application of :
Hebert :
Application No. 12/653,354 : ON PETITION
Filed: December 11, 2009 :
Attorney Docket No. **AOS-0610D**

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

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

The above-identified application became abandoned for failure to reply to the restriction/election requirement mailed June 15, 2010, which set a shortened period for reply of one-month (1) months from its mailing date. No response was received within the allowable period, and the application became abandoned on July 16, 2010. A Notice of Abandonment was mailed on March 7, 2011.

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

The instant petition lacks item (2).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical

[1]As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts that a timely response to the restriction/election requirement was deposited with the United States Postal Service, Express Mail Service and lost thereafter.

With regard to item (2) above, the fee for the instant petition is $540.00 for a large entity or $270.00 for a small entity. The instant petition was not accompanied by the fee because the credit card to which petitioner instructed the Office to charge the petition fee was declined. A petition under 37 CFR 1.137(a) cannot be considered grantable without payment of the petition fee. A renewed petition under 37 CFR 1.137(a) must be accompanied by the petition fee, accordingly. Petitioner need not file the copy of the papers that accompanied the petition on April 28, 2011, as they are noted and of record.

Petitioner may wish to consider filing a petition under 37 CFR 1.181 to withdraw the holding of abandonment which is appropriate in an instance where petitioner maintains that the holding of abandonment was improperly imposed because a timely response was mailed, or transmitted to the Office. There is no fee for such a petition. Petitioner should consult Section 711.03(c) of the *Manual of Patent Examining Procedure* for further guidance relative to the petition to withdraw the holding of abandonment.

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

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 17 2011

OFFICE OF PETITIONS

Bo-In Lin
13445 Mandoli Drive
Los Altos Hills, CA 94022

In re Application of :
Hebert :
Application No. 12/653,354 : ON PETITION
Filed: December 11, 2009 :
Attorney Docket No. **AOS-0610D**

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed August 4, 2011.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

The above-identified application became abandoned for failure to reply to the restriction/election requirement mailed June 15, 2010, which set a shortened period for reply of one-month (1) months from its mailing date. No response was received within the allowable period, and the application became abandoned on July 16, 2010. A Notice of Abandonment was mailed on March 7, 2011.

Petitioner states that a response to the restriction/election requirement was deposited with the United States Postal Service, Express Mail Service on June 28, 2010. In support of the allegation, the petition is accompanied by a copy of the Express Mail tracking correspondence with a tracking number EH92838122USUS indicating that the subject package was delivered to the USPTO on June 28, 2010. The tracking number cited is the same number found on the copy of the response to the restriction/election requirement, filed August 4, 2011. The evidence is convincing that response was deposited with the USPS, Express Mail Service prior to the expiration of the one month period for reply set by the restriction/election requirement. See 37 CFR 1.10.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was deposited with the United States Postal Service, Express Mail Service prior to the expiration of the shortened period for reply to the restriction/election requirement and the response contained a certificate under 37 CFR 1.10. The holding of abandonment is withdrawn, accordingly.

The application file is being directed to Technology Center GAU 2818 for further processing.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

HARRINGTON & HARRINGTON
P.O. BOX 91719
LONG BEACH CA 90809-1719

MAILED
NOV 10 2011
OFFICE OF PETITIONS

In re Application of
James R. Mars
Application No. 12/653,370
Filed: December 12, 2009
Attorney Docket No: MARS-1

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 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 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 Curt Harrington on behalf of all attorneys of record who are associated with Customer Number 46790.

All attorneys/agents associated with the Customer Number 46790 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed July 20, 2011 that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: James R. Mars
1232 Mary Hill Circle
Hartland, WI 53029-8006

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P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 09 2010

OFFICE OF PETITIONS

DONALD N. HALGREN
35 CENTRAL STREET
MANCHESTER MA 01944

In re Application of
Chunghsin LEE, et al
Application No. 12/653,454
Filed: December 14, 2009
Attorney Docket No. SEMIGEAR-18A

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed January 11, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

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

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO, IL 60601-17327

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application	:	
Christman et al.	:	DECISION ON PETITION
Application No. 12/653,516	:	TO WITHDRAW
Filed: December 15, 2009	:	FROM RECORD
Attorney Docket No. 105399.010201	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2010.

The request is **DISMISSED**.

A review of the file record indicates that Greenberg Traurig, LLP was never appointed power of attorney in this patent application because all inventors did not submit a power of attorney. Therefore, Greenberg Traurig, LLP was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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.
12/653,606	12/16/2009	Qigui Wang	P008446-PTC-CHE	8377

75510 7590 05/10/2011

DINSMORE & SHOHL LLP
FIFTH THIRD CENTER
ONE SOUTH MAIN STREET, SUITE 1300
DAYTON, OH 45402

EXAMINER	
RODRIGUEZ, PAUL L	

ART UNIT	PAPER NUMBER
2123	

NOTIFICATION DATE	DELIVERY MODE
05/10/2011	ELECTRONIC

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

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

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

JOHN.REED@DINSLAW.COM
alicia.pickering@dinslaw.com
beth.bane@dinslaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DINSMORE & SHOHL LLP
FIFTH THIRD CENTER
ONE SOUTH MAIN STREET, SUITE 1300
DAYTON OH 45402

In re Application of:
WANG, Qigui et al.
Application No. 12/653,606
Filed: December 16, 2009
For: **METHOD FOR SIMULATING CASTING DEFECTS AND MICROSTRUCTURES OF CASTINGS**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on December 16, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 6 and 10-12 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figures 6 and 10-12. Paragraph [0011] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IANDIORIO TESKA & COLEMAN
INTELLECTUAL PROPERTY LAW ATTORNEYS
260 BEAR HILL ROAD
WALTHAM MA 02451-1018

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Harold M. WOTTEN, III :
Application No. 12/653,607 : DECISION ON PETITION
Filed: December 16, 2009 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.182, filed June 15, 2010 to accord date of deposit.

On January 15, 2010, the Office mailed a Notice to File Missing Parts indicating that a filing date has been accorded however, figure 10 was omitted from the application.

Petitioner asserts that figure 10 was deposited with the Office on December 16, 2009 and was included on page 3 of 9 of the drawings, which also included figure 3. Petitioner has submitted replacement drawings.

In view of the above, the petition is **GRANTED.** The petition fee of $400.00 will be refunded.

Telephone inquiries relating to this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application file is being referred to the Office of Patent Application Processing.

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
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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
Fredrik BRANNSTROM, et al
Application No. 12/653,657
Filed: December 15, 2009
Attorney Docket No. 63832-8017.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 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
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
12/653,657	12/15/2009	Fredrik Brannstrom	63832-8017.US02

CONFIRMATION NO. 6526

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

POWER OF ATTORNEY NOTICE

OC000000044609406

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

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of	:	
BRANNSTROM, et al	:	
Application No. 12/653,657	:	DECISION ON PETITION
Filed: December 15, 2009	:	TO WITHDRAW
Attorney Docket No. 25DX-159233	:	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 20, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DAG JOHANSEN
2140 VALPARAISO AVE.
MENLO PARK CA 94025

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of:
Sundar IYER et al.
Application No. 12/653,660
Filing Date: December 15, 2009
Attorney Docket No. MEMS.P0002

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on October 05, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 13, 2010, which set a shortened statutory period for reply of two (2) months. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on April 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and oath or declaration, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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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.
12/653,663	12/16/2009	Kazunao Yamada	4041J-001638/US	1407

EXAMINER
ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

7590 03/02/2011

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

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

MAILED
JUL 06 2011
OFFICE OF PETITIONS

Applicant: Pan Weichao
Appl. No.: 12/653,674
Filing Date: June 8, 2007
Title: WEIGHING SENSOR FOR AN ELECTRONIC SCALE AND AN ELECTRONIC SCALE
Attorney Docket No.: 025598-000001
Pub. No.: US 2010/0155152 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 23, 2010, for the above-identified application.

The patent issued on May 24, 2011.

The request is DISMISSED as moot.

Since the application has been issued as a patent, the request is deemed moot.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/653,681	12/16/2009	Dzovig M. Kutumian	EH-001	7501

36872 7590 09/22/2011

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO, CA 93711

EXAMINER	
HOFFMAN, SUSAN COE	
ART UNIT	**PAPER NUMBER**
1655	
MAIL DATE	**DELIVERY MODE**
09/22/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 2 2 2011

Sherrie M. Flynn
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO CA 93711

In re Application of	:
Kutumian	:Decision on Petition
Serial No.:12/653,681	:
Filed: 16 December 2009	:
Attorney Docket No.: EH-001	:

This letter is in response to the Petition filed under 37 CFR 1.181 on 25 March 2011 requesting that the restriction requirement dated 29 October 2010 be withdrawn.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) and as such is considered for restriction practice under Chapter 800 of the MPEP. On 20 October 2010, the examiner divided claims 1-20 into two groups as follows:

I. Claims 1-10, drawn to a composition, classified in class 424, subclass 736.

II Claims 11-20, drawn to a method for disinfecting a surface, classified in class 424, subclass 725.

The examiner also required applicants to elect one of the essential oils recited in the alternative of claim 4.

On 19 November 2010, applicants elected Group I, claims 1-10 and eucalyptus oil for examination, with traverse.

On 26 November 2010, the examiner considered the traversal and made the requirement final.

Claims 6-8 and 10-20 were withdrawn from consideration under 37 CFR 1.142(b). Claims 1-5 and 9 were examined on the merits and found to be anticipated and/or obvious over several references, alone or in combination.

On 29 April 2011, applicants filed this petition under 37 CFR 1.181. Because the petition would have been timely had it been filed under 37 CFR 1.144 (prior to filing of the Notice of Appeal), it is being considered on the merits as though it was filed under 37 CFR 1.144.

DISCUSSION

The application, file history and petition have been considered carefully. Relevant claims are set forth below:

> 1. (Currently Amended) A liquid disinfecting composition ~~comprising~~ consisting essentially of ~~effective~~ amounts of one or more therapeutic grade essential oils effective to kill at least some types and number of bacteria, distilled white vinegar, and purified water.
>
> 4. (Currently Amended) The composition of claim 1, wherein the therapeutic grade essential oils are selected from the group consisting of therapeutic grade ~~essential oils obtained from~~ eucalyptus oil, therapeutic grade lemon oil, therapeutic grade lavender oil, therapeutic grade grapefruit oil, and mixtures thereof.
>
> 10. (Withdrawn – Currently Amended) The composition of claim 1, wherein the therapeutic grade essential oils comprise:
>
> up to 1.5%[[,]] by volume, based on a total volume of the composition, of therapeutic grade eucalyptus essential oil;
>
> up to 1.5%[[,]] by volume, based on the total volume of the composition, of therapeutic grade lemon essential oil;
>
> up to 1.0%[[,]] by volume, based on the total volume of the composition, of therapeutic grade lavender essential oil; and
>
> up to 1.0%[[,]] by volume, based on the total volume of the composition, of therapeutic grade grapefruit essential oil.

11. (Withdrawn – Currently Amended) A method for disinfecting a surface comprising:

shaking a spray bottle having the liquid disinfecting composition of claim 1 therein;

spraying the composition on the surface to be disinfected;

allowing the composition to remain in contact with the surface for an amount of time sufficient to disinfect the surface, and

removing the composition from the surface ~~by wiping with a cloth~~.

First, the petition has questioned the restriction between the Product of Group I and the Process of Group II. The petition has argued that these inventions are related as subcombination and combination and as such, should be examined together. This is not persuasive.

MPEP 803 sets forth various types of related inventions:

> "Examples of related inventions include combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc."

The MPEP then provides different tests for the various types of inventions. To be considered as combination and subcomination inventions, both inventions must be in the same statutory class. The same statutory class refers to 35 U.S.C. 101.

> "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title."

The same statutory class would be for two processes or two machines, etc. For those types of inventions, MPEP 806.05 applies.

> "Related inventions in the same statutory class are considered mutually exclusive, or not overlapping in scope, if a first invention would not infringe a second invention, and the second invention would not infringe the first invention ."

In contrast, the process of Group II is a separate patentable class of invention than the product of Group I, which is covered under the statutory class of compoistion of matter or manufacture.

Claims 1 and 11 are related as a product (composition of Claim 1) and process of using that product. MPEP 806.05(h) provides the following test to establish distinction between the product and process claims.

> "A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process."

The examiner has established distinction by showing that the product as claimed may be used for a materially different process, that of using vinegar. MPEP 806.05(h) goes on to state that "if the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement." In this instance, no convincing arguments have been advanced to show that the altrantive use is not viable. For these reasons, the restriction between product and process is maintained.

Turning now to the election of species requirement, MPEP 803 states "if the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

According to MPEP 808.02, a serious burden exists "where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s)."

A review of the prior art which was applied to the elected species finds mention of non-elected species. For this reason, it would not be a serious burden to examine the four species of therapeutic oils in this application.

Lastly, the examiner withdrew Claims 6-8 and 10, which require the elected species of "eucalyptus oil" from examination "because they required non-elected species." However, all of Claims 6-8 and 10 also require the elected species of "eucalyptus oil."

MPEP 821.01 permits examiners to withdraw "all claims that the examiner holds as not being directed to the elected subject matter ... from further consideration ... in accordance with 37 CFR 1.142(b)." However, the Office cannot withdraw claims from examination because of the presence of non-elected species. In other words, all claims which recite, read upon or encompass the elected species must be examined on the merits.

DECISION

Accordingly, the petition is considered to have been filed under 37 CFR 1.181 and is hereby **GRANTED-IN-PART**.

The restriction requirement between the product of Group I and the process of Group II is maintained, pending allowability of all the product claims, per MPEP 821.04(b).

The election of species requirement is withdrawn.

The application will be returned to the examiner for consideration of the papers filed 25 March 2011 and for preparation of a supplemental Office action consistent with this decision which addresses claims 1-10 on the merits. Should all product claims become in condition for allowance, the examiner should follow the guidance in MPEP 821.04(b) concerning rejoinder of the process claims.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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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.
12/653,681	12/16/2009	Dzovig M. Kutumian	EH-001	7501

36872 7590 02/29/2012

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO, CA 93711

EXAMINER	
HOFFMAN, SUSAN COE	
ART UNIT	**PAPER NUMBER**
1655	
MAIL DATE	**DELIVERY MODE**
02/29/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 2 9 2012

Sherrie M. Flynn
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO CA 93711

In re Application of	:
Kutumian	:Decision on Petition
Serial No.:12/653,681	:
Filed: 16 December 2009	:
Attorney Docket No.: EH-001	:

This letter is in response to the Petition filed under 37 CFR 1.181 on 3 January 2012 requesting reconsideration of the petition decision dated 22 September 2011. A summary of the prosecution history may be found in the petition decision dated 22 September 2011.

This renewed petition requests rejoinder of the process claims.

The Applicant and Examiner have since reached agreement as to the allowable product claims and rejoinder of the process claims, details of which will be conveyed in a Notice of Allowance.

For this reason, the petition filed 3 January 2012 is **DISMISSED.**

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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In re Application of	:
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George Elliott
Director, Technology Center 1600

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COLIN P ABRAHAMS
5850 CANOGA AVENUE
SUITE 400
WOODLAND HILLS, CA 91367

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of :
Stephen Pizzo, et al. :
Application No. 12/653,787 : DECISION ON PETITION
Filed: December 18, 2009 :
Attorney Docket No. 1415-112.US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 5, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 5, 2011. Accordingly, the date of abandonment of this application is November 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $870 and the publication fee of $300, (2) the petition fee of $930; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline (571) 272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kirk William Hermann
150 Cerro Vista Way
Anaheim CA 92262

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
LOVELACE, Gunnar :
Application No. 12/653,810 : DECISION ON PETITION
Filed: December 21, 2009 : TO WITHDRAW
Attorney Docket No. LOVE-002 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed March 15, 2011.

The request is **APPROVED**.

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

The request was signed by Kirk Hermann, the sole attorney of record. Kirk Hermann has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Gunnar Lovelace at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **GUNNAR LOVELACE**
P.O. BOX 382
OJAI CA 93024

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paul E Schaafsma, NovusIP, LLC
Suite 221
521 West Superior Street
Chicago IL 60654

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of:	:	
SCHMAL, William	:	DECISION ON PETITION
Application No.: 12/653,813	:	TO MAKE SPECIAL UNDER
Filing Date: December 21, 2009	:	37 CFR 1.102(c)(1)
Attorney Docket No.:	:	

This is a decision on the petition to make special under 37 CFR 1.102(c)(1), filed January 25, 2012, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant, William Schmal, who signed a statement indicating that said applicant is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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LAW OFFICE OF JENS E. HOEKENDIJK
P.O. BOX 4787
BURLINGAME CA 94011-4787

MAILED

NOV 23 2010

OFFICE OF PETITIONS

In re Application of :
Ivan SEPETKA, et al :
Application No. 12/653,821 : ON PETITION
Filed: December 21, 2009 :
Attorney Docket No. 005-011-C1 :

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 **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed January 15, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 16, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

With respect to item (1): The Notice mailed January 15, 2010, required replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). Since a proper reply in the form of replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) did not accompany the petition dated October 25, 2010, the petition cannot be granted because it does not meet the requirement set forth in 37 CFR 1.137(b).

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

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

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

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

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

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

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

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LAW OFFICE OF JENS E. HOEKENDIJK
P.O. BOX 4787
BURLINGAME CA 94011-4787

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FEB 23 2011

OFFICE OF PETITIONS

In re Application of	:	
SEPETKA, et al	:	
Application No. 12/653,821	:	DECISION ON PETITION
Filed: December 21, 2009	:	
Attorney Docket No. 005-011-C1	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed January 15, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

A review of the Office records indicate petitioner was charged an additional petition fee with the renewed petition dated January 28, 2011. In this regard, the petition fee of $810 will be credited to petitioner's Deposit Account No. 50-1247 in the normal course of business.

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

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

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

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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application:
Werner Stahlecker
Application No. 12/653,833
Filed: December 18, 2009
Attorney Docket No. 5000.P0224US

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 2, 2011.

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

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

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

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

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

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED

SEP 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Frederick A. Bliss et al.	:	
Application No. 12/653,856	:	ON PETITION
Filed: December 17, 2009	:	
Attorney Docket No. 514112903600	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed August 13, 2010, to change the order of the names of the inventors.

The petition is **DISMISSED**.

The petition can not be granted at this time because the petition was not signed by an attorney of record. This petition must be signed by an attorney of record or all the inventors.

The power of attorney filed on June 9, 2010 is not acceptable. The Statement under 37 CFR 3.73(b) does authorize the person signing the power of attorney John Shih to act on behalf of the assignee in this application. The Statement under 37 CFR 3.73(b) was signed by Patricia I. Tsao. The attestation included with the renewed petition is signed by William Tucker who has no apparent authority to sign for the assignee.

The Office is requesting the persons signing the Statement under 37 CFR 3.73(b) and the Power of Attorney be one in the same, in order for the power of attorney to be acceptable.

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 related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of :
Frederick A. Bliss et al. :
Application No. 12/653,856 : ON PETITION
Filed: December 17, 2009 :
Attorney Docket No. 514112903600 :

This is a decision on the renewed petition under 37 CFR 1.182, filed October 22, 2010, to change the order of the names of the inventors.

The petition is **DISMISSED**.

The Power of Attorney filed October 22, 2010 is not acceptable. It is signed by John Shih who filed a statement under 37 CFR 3.73(b) to act in behalf of The Regents of the University of California (Regents). However, only four of the five listed inventors assigned their rights to Regents. Co-inventor Craig Ledbetter assigned his rights to the United States of America as represented by the Secretary of Agriculture (USA). Reference is made to MPEP 402.10 which states in part:

402.10 [R-5] Appointment/Revocation by Less Than All Applicants or Owners

> Papers giving or revoking a power of attorney in an application generally requires s signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17 with a showing of sufficient cause (if revocation), or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney. The petition should be directed to the Office of Petitions.

The request for power of attorney requires the signature of a representative of USA who has filed a proper statement under 37 CFR 3.73(b). Or, in the alternative, petitioner needs to file a grantable petition under 37 CFR 1.183 as indicated in MPEP 402.10.

Any request for reconsideration of this decision should include a cover letter requesting as such to better identify the paper(s) being filed.

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

By mail:
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/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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SEP 03 2010

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

In re Application of	:	
Frederick A. Bliss et al.	:	
Application No. 12/653,858	:	ON PETITION
Filed: December 17, 2009	:	
Attorney Docket No. 514112903700	:	

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401 Dulany Street
Alexandria, VA 22314

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED

OCT 14 2010

OFFICE OF PETITIONS

In re Application of :
Frederick A. Bliss et al. :
Application No. 12/653,883 : ON PETITION
Filed: December 17, 2009 :
Attorney Docket No. 514112903500 :

This is a decision on the renewed petition under 37 CFR 1.182, filed September 1 2010, to change the order of the names of the inventors.

The petition is **DISMISSED**.

The petition can not be granted at this time because the petition was not signed by an attorney of record. This petition must be signed by an attorney of record or all the inventors.

The power of attorney filed on June 9, 2010 is not acceptable. The Statement under 37 CFR 3.73(b) does authorize the person signing the power of attorney John Shih to act on behalf of the assignee in this application. The Statement under 37 CFR 3.73(b) was signed by Patricia I. Tsao. The attestation included with the renewed petition is signed by William Tucker who has no apparent authority to sign for the assignee.

The Office is requesting the persons signing the Statement under 37 CFR 3.73(b) and the Power of Attorney be one in the same, in order for the power of attorney to be acceptable.

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 related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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UNITY SEMICONDUCTOR CORPORATION
255 SANTA ANA COURT
SUNNYVALE CA 94085-4511

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of :
Brewer :
Application No. 12/653,895 : ON PETITION
Filed: December 18, 2009 :
Attorney Docket No. P146.09 :
For: MEMORY AND METHODS OF FORMING THE SAME TO ENHANCE SCALABILITY OF NON-VOLATILE TWO-TERMINAL MEMORY CELLS

This is a decision on the petition, filed February 12, 2010 (certificate of mailing date February 5, 2010), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed February 1, 2010. The petition will be treated under 37 CFR 1.53(e).

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

The application was filed on December 18, 2009. On February 1, 2010, the Office of Patent Application Processing mailed a Notice informing petitioner that Figure 5 appeared to have been omitted from the application filed on December 18, 2009.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that Figure 5 be accorded a filing date of December 18, 2009 on the basis that it was received in the Patent and Trademark Office (PTO) on December 18, 2009.

In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Patent Application Processing generated barcode citing December 18, 2009 as the date of receipt of papers assigned Application No. 12/653,895. The postcard lists that the filing included, *inter alia*, 7 pages of drawings, depicting Figures 1-7. A review of the application file reveals that there are 6 pages present, depicting Figures 1-4 and 6-7.

The return postcard constitutes *prima facie* evidence that 7 pages of drawings, including missing Figure 5, were filed on December 18, 2009. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's request, the $400.00 fee submitted with the instant petition will be refunded to petitioner's deposit account.

The application is being returned to Office of Patent Application Processing for further pre-examination processing, with a filing date of **December 18, 2009,** adding the copy of Figure 5 supplied with the present petition to the drawings for the application.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450

MAILED
SEP 12 2011
OFFICE OF PETITIONS

ROGERS TOWERS, P.A.
1301 RIVERPLACE BOULEVARD, SUITE 1500
JACKSONVILLE FL 32207

In re Application of :
Javier GARCIA-BENGOCHEA : ON PETITION
Application No. 12/653,902 :
Filed: December 18, 2009 :
Atty. Docket No.: G0725.11DIV-1

This is in response to the communication filed August 25, 2011 with a certificate of mailing dated August 23, 2011, to withdraw the holding of abandonment of the above-identified application, which is being treated as a petition under 37 CFR 1.8(b).

The petition is **GRANTED**.

Petitioner requests the Notice of Abandonment mailed August 18, 2011 for failure to respond to the Requirement for Restriction/Election mailed January 21, 2011 be withdrawn as petitioner timely filed a response. Petitioner has included a copy of the response filed by mail bearing a certificate of mailing dated February 17, 2011.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Restriction Requirement of January 21, 2011 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on November 25, 2003.

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

This application is being referred to Technology Center Art Unit 3733 for consideration of the filed reply.

Rajneesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOODSIDE IP GROUP
P.O. BOX 61047
PALO ALTO CA 94306

MAILED
JUL 26 2011
OFFICE OF PETITIONS

In re Application of
David L. Bender
Application No. 12/653,910
Filed: December 17, 2009
Attorney Docket No. Solx 4 Contin

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 11, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Woodside IP Group does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Woodside IP Group not having power of attorney. See MPEP §§ 601.03 and 405.

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

Currently, there is an outstanding Office action mailed June 22, 2011 that requires a reply

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ACCENTURE CHICAGO 28164
BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of	:	
SCHAFER, et al	:	
Application No. 12/653,976	:	DECISION ON PETITION
Filed: December 18, 2009	:	TO WITHDRAW
Attorney Docket No. 10022-1660	:	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 7, 2011.

The request is **NOT APPROVED.**

A review of the file record indicates that Richard K. DeMille does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Further, the request to withdraw from record cannot be approved because the request does not include the current correspondence address of a law firm or practitioner who has filed a proper power of attorney.

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.

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

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

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

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.
12/654,020	12/08/2009	Yoshiharu Ohta	5120-006A	9004

7590 08/16/2010
LOWE HAUPTMAN HAM & BERNER, LLP
Suite 310
1700 Diagonal Road
Alexandria, VA 22314

EXAMINER
PARVINI, PEGAH

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
08/16/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: [illegible]
[illegible]
[illegible] -540.00 [illegible]

FORM PET651G (Rev. 08/07)

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TEITELBAUM & MACLEAN
REGISTERED PATENT AGENTS LIMITED
280 SUNNYSIDE AVENUE
OTTAWA ON K1S 0R8 CA CANADA

MAILED
FEB 07 2011
OFFICE OF PETITIONS

In re Application of
MacDonald et al.
Application No. 12/654,049
Filed: December 9, 2009
Attorney Docket No. 172-2 US

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 6, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

This petition lacks item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner,

636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Further, petitioner has requested benefit of Application Nos. 61/287,471, filed December 17, 2009, and 61/319,933, filed on April 1, 2010. 37 CFR 1.78(a)(4) states, "A nonprovisional application, other than for a design patent, or an international application designating the United States of America, may claim an invention disclosed in one or more PRIOR-FILED provisional applications." As the above-listed applications were both filed after the instant application, 37CFR 1.78 does not apply and priority cannot be granted.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(6), is required. No further petition fee is necessary.

Additionally, although the petition is signed by a registered patent attorney/agent it does not set forth a USPTO registration number. Petitioner should note that all documents submitted before the United States Patent and Trademark Office by a registered patent attorney/agent must contain his/her registration number. The registration number for Neil Teitelbaum is listed as 24,949 and must be appear on all documents submitted.

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

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Window located at:

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

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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OTTAWA ON K1S 0R8 CA CANADA

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APR 18 2011

OFFICE OF PETITIONS

In re Application of
MacDonald et al.
Application No. 12/654,049
Filed: December 9, 2009
Attorney Docket No. 172-2 US

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed March 11, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application, as set forth in the concurrently filed Amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional application has been included in an Amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the prior-filed

provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

Further, 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) require 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. Since the statement appearing in the petition varies from the language required 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

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

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1729 for appropriate action on the Amendment submitted March 11, 2011, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/654,049	12/09/2009	1729	545	172-2 US	17	2

CONFIRMATION NO. 5865

Neil Teitelbaum
280 Sunnyside Avenue
Ottawa, ON K1S 0R8
CANADA

CORRECTED FILING RECEIPT

Date Mailed: 04/12/2011

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

Applicant(s)

R. Ian MacDonald, Nanoose Bay, CANADA;
Neil Teitelbaum, Ottawa, CANADA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/239,112 09/02/2009
and claims benefit of 61/169,915 04/16/2009

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

If Required, Foreign Filing License Granted: 01/08/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/654,049**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

System for storing electrical energy

Preliminary Class

429

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.
12/654,088	12/10/2009	Amir Francos	47769	8415

67801 7590 10/27/2011

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

EXAMINER	
YAO, KWANG BIN	

ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
10/27/2011	PAPER

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

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

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

I n re Application of: Amir Francos Application No. 12/654,088 Attorney Docket No. 47769 Filed: December 10, 2009 For: MODE SELECTION FOR MIMO IN WIRELESS COMMUNICATION	))))))	**DECISION ON PETITION UNDER 37 C.F.R. ɔ 1.84(a)(2) TO ACCEPT COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed December 10, 2009, requesting acceptance of color drawings.

The petition is **GRANTED**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(a)(2) states:

(2) *Color.* On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

DECISION

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

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

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3182.

/KWANG B YAO/
Supervisory Patent Examiner, Art Unit 2473

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	**DECISION**
Ji, et al.	:	**ON PETITION**
Application No. 12/654,164	:	
Filed: December 11, 2009	:	**ACCEPTANCE OF**
Attorney Docket Number: 8733.2258.00	:	**COLOR DRAWINGS**

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 11, 2009, for acceptance of color drawings.

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 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.

Here, the petition was accompanied by the required fee and drawings. The specification contains the appropriate language. Therefore, the petition is granted.

The application is being forwarded to Group Art Unit 2883 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

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

MAILED
JUN 14 2011
OFFICE OF PETITIONS

In re Application of :
Keiichi Hirano : ON PETITION
Application No. 12/654,252 :
Filed: December 15, 2009 :
Atty Docket No. 05USFP1233-D1 :

This is in response to the "REQUEST FOR WITHDRAWAL OF ABANDONMENT, OR, IN THE ALTERNATIVE, PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT" filed May 16, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned effective March 2, 2011 for failure to timely pay the issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). A courtesy Notice of Abandonment was mailed on March 17, 2011.

The practitioner states that the Office action was not received at the correspondence address of record, and that a search of the practitioner's records, including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. The petition includes a copy of the record used by the practitioner where the non-received Office action would have been entered had it been received including the master docket for the firm. In addition, practitioner has supplied a copy of the application file jacket and the individual docket record for the application in question.

A review of the application file reveals no irregularities in the mailing of the Office action mailed December 1, 2010. Thus,

there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has submitted the proper showing of non-receipt. In view thereof, the holding of abandonment is hereby **WITHDRAWN.**

The petition under § 1.181 is **GRANTED.**

No fee is required on petition under § 1.181.

Technology Center Art Unit 3663 has been advised of this decision. The application is, thereby, forwarded to the Technology Center Art Unit's technical support staff to withdraw the holding of abandonment and for re-mailing of the Notice of Allowance (and Notice of Allowability) mailed December 1, 2010 and for restarting of the period for reply.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/654,334	12/17/2009	Atsushi Imamura	UDK-0099	7337

23353 7590 10/14/2011

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
GREEN, TRACIE Y	

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
10/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

OCT 14 2011

In re Application of
IMAMURA et al.
Application No.: 12/654334
Filed: 17 December 2009
Attorney Docket No.: UDK-0099
For: EXTRA-HIGH PRESSURE MERCURY LAMP

: 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 16 August 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);

Regarding the requirement of condition (4), examination of the US application has begun.

No further consideration will be undertaken on this matter.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

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

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/654,474	12/22/2009	Jun Kosai	01-1963	4128

7590 02/24/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
NOLAN, PETER D	
ART UNIT	PAPER NUMBER
3661	
NOTIFICATION DATE	DELIVERY MODE
02/24/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of
Takahiro Ishikawa
Application No.: 12/654,476
Filed: December 22, 2009
Attorney Docket No.: 01-1959
For: Action Estimating Apparatus, Method For Updating, Estimation Model, and Program

: 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 November 16, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), all U.S. claims do not sufficiently correspond to the JP claims. US claim 14 does not sufficiently correspond with JP claim 4. A narrowing of claims is not permitted.

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 Kimberly Inabinet at 571-272-4618.

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of
Takahiro Ishikawa
Application No.: 12/654,476
Filed: December 22, 2009
Attorney Docket No.: 01-1959
For: Action Estimating Apparatus, Method For Updating, Estimation Model, and Program

: 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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 24, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
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 Kimberly Inabinet at 571-272-4618.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/654,481	12/22/2009	Takuya Yoshimi	71770.0057	1246

7590 09/28/2011

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

EXAMINER	
MALEVIC, DJURA	

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
09/28/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/654,506	12/22/2009	Misaki Kamiya	143838	2605

7590 02/01/2012

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

EXAMINER	
ART UNIT	PAPER NUMBER
3656	
NOTIFICATION DATE	DELIVERY MODE
02/01/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

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.
12/654,510	12/22/2009	Misaki Kamiya	143839	2752

7590 02/01/2012

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

EXAMINER	
ART UNIT	PAPER NUMBER
3656	
NOTIFICATION DATE	DELIVERY MODE
02/01/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 6, 2012

In re Application of :

Daiki Ito

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12654744

Filed : 30-Dec-2009

Attorney Docket No : 144047

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 6, 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 2816 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	12654744
Filing Date	30-Dec-2009
First Named Inventor	Daiki Ito
Art Unit	2816
Examiner Name	HAI NGUYEN
Attorney Docket Number	144047
Title	PHASE ADJUSTING APPARATUS AND CAMERA

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	/James A. Oliff/
Name	James A. Oliff
Registration Number	27075

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MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of :
Akihiko MORISHITA :
Application No. 12/654,771 : DECISION GRANTING PETITION
Filed: December 31, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **126707.01** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 11, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/654,784	01/04/2010	Kentaro Hayashi	85357 (302704)	7503

21874 7590 11/30/2011
EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
SMITH, JASON C	

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
11/30/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 30 2011

Edwards, Wildman, Palmer, LLP
P.O. Box 55874
Boston, MA 02205

In re Application of
Kentaro Hayashi
Application No. 12/654,784
Filed: January 4, 2010
For: RAILWAY VEHICLE

: DECISION ON THE PETITION
: FOR SUPERVISORY REVIEW
: UNDER 37 CFR 1.181
:

This is a decision on the petition filed November 14, 2011 for Supervisory Review under 37 CFR 1.181, which requests an additional, new Office action that treats the supplemental amendment filed July 13, 2011.

The petition is **GRANTED to the extent indicated below**.

A review of the file record indicates that a non-final Office action was mailed on April 11, 2011. A response to the Office action was received on July 11, 2011. On July 13, 2011 the applicant submitted a supplemental amendment that was filed electronically. The supplemental was received, but for some unknown reason, was closed out and thus was not viewable, and so the examiner was unaware of it's existence in the file. The Final rejection mailed by the examiner on September 14, 2011, therefore, did not address the changes/additions/amendments to the claims that were contained in the supplemental amendment.

Given the above facts, it is clear that the Final rejection dated September 14, 2011 was incomplete as not addressing in an appropriate way, the supplemental amendment of July 13, 2011. The Office action of September 24, 2010 is therefore hereby **VACATED** as being incomplete.

This application is being returned to the examiner to issue a new Office action that properly addresses the supplemental amendment as per MPEP 714.03(a), and that properly responds to any and all entered amendments, as per MPEP 706.07.

The petition of November 14, 2011 is **GRANTED**.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

snm/snm: 11/21/11

SM

U.S. Application 12/654,808 – Request for Participation in PCT-PPH Program between USPTO and KIPO

CLAIMS INDICATED AS HAVING NOVELTY, INVENTIVE STEP AND INDUSTRIAL APPLICABILITY IN APPLICATION PCT/US11/20048

WHAT IS CLAIMED IS:

1. A solar cell, comprising:

a substrate;

a first electrode located over the substrate;

a sodium doped p-type copper indium selenide (CIS) based alloy semiconductor absorber layer located over the first electrode;

a zinc and sodium doped n-type copper indium selenide (CIS) based alloy semiconductor layer located on the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer; and

a second electrode located over the n-type copper indium selenide (CIS) based alloy semiconductor layer.

2. The solar cell of claim 1, wherein the substrate comprises a thin metallic foil.

3. The solar cell of claim 1, wherein the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer has at least 0.01 weight percent sodium.

4. The solar cell of claim 1, wherein the n-type copper indium selenide (CIS) based alloy semiconductor layer comprises a thickness of 20 to 300 nm and 0.01 to 4 weight percent sodium.

5. The solar cell of claim 1, wherein the n-type copper indium selenide (CIS) based alloy semiconductor layer and the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer comprise CIGS layers.

6. The solar cell of claim 1, wherein the first electrode comprises a first transition metal layer comprises: (i) an alkali element or an alkali compound, and (ii) a lattice distortion element or a lattice distortion compound.

7. The solar cell of claim 6, wherein:

the alkali element or alkali compound is selected from a group consisting of Li, Na, and K;

the transition metal of the first transition metal layer is selected from a group consisting of Mo, W, Ta, V, Ti, Nb, and Zr;

the lattice distortion element or the lattice distortion compound has a crystal structure different from that of the first transition metal layer to distort a polycrystalline lattice of the first transition metal layer; and

the lattice distortion element or the lattice distortion compound is selected from the group consisting of oxygen, nitrogen, sulfur, selenium, an oxide, a nitride, a sulfide, a selenide or an organometallic compound.

8. The solar cell of claim 6, wherein:

the first transition metal layer comprises molybdenum;

the alkali element or alkali compound comprises sodium and the lattice distortion compound or lattice distortion element is selected from the group consisting of oxygen, MoO_2 and MoO_3;

the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer comprises 0.03 to 1.5 atomic percent sodium diffused from the first transition metal layer; and

the first transition metal layer comprises at least 59 atomic percent molybdenum, 5 to 40 atomic percent oxygen and 0.01 to 1.5 atomic percent sodium.

9. The solar cell of claim 6, further comprising:

an alkali diffusion barrier layer located between the substrate and the first transition metal layer; and

a second transition metal layer located between the first transition metal layer and the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer, wherein the second transition metal layer that has a higher porosity than the alkali diffusion barrier layer and the second transition metal layer permits alkali diffusion from the first transition metal layer into the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer.

CLAIMS INDICATED AS HAVING NOVELTY, INVENTIVE STEP AND INDUSTRIAL APPLICABILITY IN APPLICATION PCT/US11/20048

10. The solar cell of claim 1, wherein the second electrode comprises at least one transparent conductive oxide layer located directly on the n-type copper indium selenide (CIS) based alloy semiconductor layer.

11. The solar cell of claim 1, wherein the second electrode comprises at least one transparent conductive oxide layer located over an n-type CdS, ZnS or ZnSe layer which is located directly on the n-type copper indium selenide (CIS) based alloy semiconductor layer.

12. A method of manufacturing a solar cell, comprising:

providing a substrate;

depositing a first electrode over the substrate;

depositing at least one p-type semiconductor absorber layer over the first electrode, wherein the p-type semiconductor absorber layer comprises a copper indium selenide (CIS) based alloy material;

depositing a sacrificial layer comprising zinc and sodium on the p-type semiconductor absorber layer;

diffusing the zinc and sodium from the sacrificial layer into the p-type semiconductor absorber layer to form a sodium doped p-type copper indium selenide (CIS) based alloy semiconductor absorber layer and a zinc and sodium doped n-type copper indium selenide (CIS) based alloy semiconductor layer located on the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer; and

depositing a second electrode over the n-type copper indium selenide (CIS) based alloy semiconductor layer.

13. The method of claim 12, wherein depositing the sacrificial layer comprises sputtering a sodium containing zinc layer.

14. The method of claim 13, wherein the sputtering of the sodium containing zinc layer comprises sputtering a zinc sodium alloy target containing 0.01 to 4 weight percent sodium.

15. The method of claim 14, wherein the step of diffusing comprises annealing the sacrificial layer.

16. The method of claim 15, wherein the step of annealing is conducted at a temperature between 150 and 300 °C for a time between 20 and 1000 seconds.

17. The method of claim 12, wherein the sacrificial layer comprises a thickness between 1 and 5 nm.

18. The method of claim 12, wherein the substrate comprises a metallic foil web.

19. The method of claim 12, wherein the n-type copper indium selenide (CIS) based alloy semiconductor layer comprises a thickness of 20 to 300 nm.

20. The method of claim 12, wherein the n-type and the p-type copper indium selenide (CIS) based alloy layers comprise CIGS layers.

21. The method of claim 12, wherein the sacrificial layer is totally consumed during the step of diffusing and the step of depositing the second electrode comprises depositing at least one transparent conductive oxide directly on the n-type copper indium selenide (CIS) based alloy semiconductor layer or directly on a n-type CdS, ZnSe or ZnS semiconductor layer which is located on the n-type copper indium selenide (CIS) based alloy semiconductor layer.

22. The method of claim 12, wherein:

the sacrificial layer is partially consumed during the step of diffusing;

the step of depositing the second electrode comprises depositing at least one transparent conductive ZnO or AZO layer by sputtering in an oxygen ambient; and

a remainder of the sacrificial layer is converted to a zinc oxide layer or an aluminum doped zinc oxide layer by reaction with the oxygen ambient, such that the at least one transparent conductive ZnO or AZO layer is formed on the n-type copper indium selenide (CIS) based alloy semiconductor layer.

23. The method of claim 12, wherein the first electrode comprises a first transition metal layer comprises: (i) an alkali element or an alkali compound, and (ii) a lattice distortion element or a lattice distortion compound.

24. The method of claim 23, wherein:

the transition metal of the first transition metal layer is selected from a group consisting of Mo, W, Ta, V, Ti, Nb, and Zr;

the alkali element or alkali compound is selected from a group consisting of Li, Na, and K; and

the lattice distortion element or the lattice distortion compound is selected from the group consisting of oxygen, nitrogen, sulfur, selenium, an oxide, a nitride, a sulfide, a selenide or an organometallic compound.

25. The method of claim 24, wherein:

the first transition metal layer comprises molybdenum;

the alkali element or alkali compound comprises sodium;

the lattice distortion compound or lattice distortion element is selected from the group consisting of oxygen, MoO_2 and MoO_3;

the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer comprises 0.03 to 1.5 atomic percent sodium diffused from the first transition metal layer; and

the first transition metal layer comprises at least 59 atomic percent molybdenum, 5 to 40 atomic percent oxygen and 0.01 to 1.5 atomic percent sodium.

26. The method of claim 25, wherein the step of depositing the first electrode comprises:

depositing an alkali diffusion barrier layer over the substrate;

depositing the first transition metal layer over the alkali diffusion barrier layer; and

depositing a second transition metal layer over the first transition metal layer and under the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer.

27. The method of claim 26, wherein:

the second transition metal layer comprises an oxygen containing molybdenum layer that has a higher porosity than the alkali diffusion barrier layer;

sodium diffuses from the first transition metal layer into the p-type semiconductor absorber layer through the second transition metal layer during the step of depositing the p-type copper indium selenide (CIS) based alloy semiconductor absorber layer; and

the alkali diffusion barrier layer comprises a substantially oxygen free molybdenum layer which substantially prevents sodium diffusion from the first transition metal layer into the substrate through the alkali diffusion barrier layer.

28. The method of claim 12, wherein:

the substrate comprises a metallic web substrate; and

the steps of depositing the first electrode, depositing the at least one p-type semiconductor absorber layer, depositing sacrificial layer, and depositing the second electrode comprise sputtering one or more conductive layers of the first electrode, the p-type copper indium selenide (CIS) based alloy absorber layer, the sacrificial layer and one or more conductive layers of the second electrode over the substrate in corresponding process modules of a plurality of independently isolated, connected process modules without breaking vacuum, while passing the metallic web substrate from an input module to an output module through the plurality of independently isolated, connected process modules such that the web substrate continuously extends from the input module to the output module while passing through the plurality of the independently isolated, connected process modules.

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

PTO/SB/20PCT-KR (06-10)
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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:	12/654808	Filing date:	01-05-2010
First Named Inventor:	Johannes VLCEK		
Title of the Invention:	PHOTOVOLTAIC MATERIALS WITH CONTROLLABLE ZINC AND SODIUM CONTENT AND METHOD OF MAKING THEREOF		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US11/20048

The international filing date of the corresponding PCT application(s) is/are: 01-03-2011

I. List of Required Documents:

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

☐ Is attached.

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

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

☑ Is attached.

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

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

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

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/654808
First Named Inventor:	Johannes VLCEK

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 12-08-2011

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

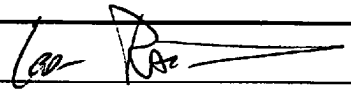
☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 12-08-2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-5	1-5	Claims 1-5 in the US application are identical to claims 1-28 in the PCT application
6	6	Claim 6 in the US application is identical to claim 6 in the PCT application except for one typographical correction.
7-22	7-22	Claims 7-22 in the US application are identical to claims 7-22 in the PCT application
23	23	Claim 23 in the US application is identical to claim 23 in the PCT application except for one typographical correction.
24-28	24-28	Claims 24-28 in the US application are identical to claims 24-28 in the PCT application

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

Signature 	Date 1-4-12
Name (Print/Typed) Leon Radomsky	Registration Number 43445

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The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
15TH FLOOR
Reston VA 20191

MAILED
APR 09 2012
OFFICE OF PETITIONS

In re Application of
Johannes Vlcek et al.
Application No.: 12/654,808
Filed: January 5, 2010
Attorney Docket No.: 7512-163
For: PHOTOVOLTAIC MATERIALS WITH CONTROLLABLE ZINC AND SODIUM CONTENT . . .

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 4, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-6), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (7).

Regarding the requirement of condition (7), applicant has failed to provide a copy of the reference KR 10-2009-0092471 cited in the PCT Written Opinion of the International Search Authority. Therefore, the request cannot be granted at this time.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under 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 JoAnne Burke at 571-272-4584.

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

Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/20/11

TO SPE OF : ART UNIT: 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/654,868 Patent No. 7,965,897

CofC mailroom date 12/12/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: no new matter

SAMIR AHMED
SUPERVISORY PATENT EXAMINER

SPE

2624
Art Unit

PTOL-306 (REV. 7/03)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/654,928	01/08/2010	Takanori Yamashita	009071/09	2399

7590 08/06/2011

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

EXAMINER	
NGUYEN, DILINH P	
ART UNIT	PAPER NUMBER
2893	
MAIL DATE	DELIVERY MODE
08/06/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of :
Park et al. :
Application No. 12/654,938 : ON PETITION
Filed: 01/08/2010 :
Attorney Docket Number: P58978 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed on January 8, 2010, 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.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

Petitioners state color drawings of Figures 3A, 3B, and 3C are necessary as the only practical medium by which to disclose the subject matter sought to be patented. Specifically, petitioners state that the use of color drawing is necessary to accurately represent the eleven different curves in one two-dimensional graph.

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." The Office has determined that a color drawings or photograph is not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2893.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

James G. Stewart PC
335 NE 128th Avenue
Portland OR 97230

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of

White, et al.

Application No. 12/655,023

Filed: December 21, 2009

Attorney Docket No **104871-0004**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 21, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 3, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 4, 2011. A Notice of Abandonment was mailed February 29, 2012.

The amendment filed March 21, 2012, is noted.

The application is being forwarded to Technology Center GAU 3726 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Aug-11

BRIAN K. JOHNSON, ESQ., LLC.
P.O. BOX 209
MIDDLETON NJ 07748

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
James M. Khalil :
Application Number: 12/655,040 : ON PETITION
Filing Date: 12/21/2009 :
Attorney Docket Number: EPOWER :
3.1-002US :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on July 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 15, 2010, for failure to timely submit a proper reply to the Notice to File Corrected Application Papers mailed on January 14, 2010, which set a two (2) month shortened period for reply. On July 19, 2010 (certificate of mailing date July 14, 2010) a reply was filed, including a four (4)-month extension of time. On August 9, 2010, however, a Notice of Incomplete Reply (Nonprovisonal) was mailed, stating that the reply filed on July 19, 2010 was incomplete. Notice of Abandonment was mailed on January 7, 2011.

Receipt of the reply filed on July 14, 2011 is acknowledged.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEE & HAYES, PLLC
c/o Intellevate, LLC
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Ozgur Oyman, et al.	:	
Application No. 12/655,091	:	DECISION ON PETITION
Filed: December 23, 2009	:	
Attorney Docket No. P33147/IN1-0078US	:	

This is a decision on the petition under 37 CFR 1.182, filed, June 15, 2011, to correct the spelling of the name of inventor "Jeff Foerster" to – Jeffrey R. Foerster --.

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.

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

Any questions concerning this matter may be directed to Terri Johnson at (571) 272- 2991. 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 2611 for examination in due course.

/Terri Johnson/
Terri Johnson
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
12/655,091	12/23/2009	2611	1090	P33147/IN1-0078US	20	3

CONFIRMATION NO. 1720

CORRECTED FILING RECEIPT

51003
LEE & HAYES, PLLC
c/o Intellevate, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Date Mailed: 07/12/2011

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

Applicant(s)

Ozgur Oyman, San Jose, CA;
Jeffrey R. Foerster, Portland, OR;

Power of Attorney: The patent practitioners associated with Customer Number 51003

Domestic Priority data as claimed by applicant

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

If Required, Foreign Filing License Granted: 01/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/655,091**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Distortion-aware multiple input multiple output communications

Preliminary Class

375

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Sep-10

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

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of
Amakusa et al.
Application Number: 12/655142
Filing Date: 12/23/2009
Attorney Docket Number: 4041K-000443/US

DECISION
DISMISSING PETITION

This is a letter in response to the "RESPONSE TO PETITION" filed on June 10, 2010, which is treated as a renewed petition requesting that Figure 8 be considered as part of the original disclosure present on filing.

The petition is again **dismissed.**

On December 23, 2009, the application was filed. On January 22, 2010, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisonal Application stating that the application had been accorded a filing date of December 23, 2009, but that, *inter alia*, Figure 8 described in the specification appeared to have been omitted from the application.

On March 12, 2010, a petition was filed. On June 4, 2010, the petition was dismissed.

On June 10, 2010, the subject petition paper was filed. Petitioners again assert that the application as filed included drawing Figure 8. In support, petitioners have provided a copy of a postcard itemizing, *inter alia*, 10 sheets of drawings. Petitioners further state that a copy of the postcard was included among with the application papers that were filed in the Office, but that no stamped copy of the postcard was returned by the USPTO.

The Image File Wrapper is the official record of the papers filed in this application. A review of the official record reveals that nine (9) sheets of drawings, including Figures 1, 2, 3, 4,

5, 6, 7, 9, 10, 11, 12, and 13 were received on December 23, 2009. No sheet of drawings containing Figure 8 was received on December 23, 2009, as no sheet of drawings containing Figure 8 is located among the application papers filed on that date. Petitioners' assertions that Figure 8 was contained among the papers filed on December 23, 2009 is not more persuasive that the showing of the official record.

MPEP 503 states, in pertinent part:

> If a receipt for any item (*e.g.*, paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. … Users are reminded that they are solely responsible for placing the proper postage on self-addressed postcards that are submitted to the USPTO for the purpose of obtaining a receipt for correspondence being filed in the USPTO. Users should check with the USPS regarding postage and what size cards are acceptable to the USPS. Any return receipt postcard that does not contain sufficient postage or is not acceptable may not be delivered by the USPS to the address provided on the postcard, and, if returned to the USPTO, may be discarded. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail.
>
> A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The postcard receipt provided by petitioner does not contain the a receipt date stamp by the USPTO. Accordingly, the postcard cannot serve as *prima facie* evidence that the papers itemized thereon were received in the Office on the date the papers were alleged to have been filed.

While it is an unfortunate circumstance if a properly submitted and stamped postcard was not received by petitioners, the Office is, nevertheless, unable to grant the requested relief in the absence of a properly-itemized postcard containing a stamp from the USPTO including the date of receipt. The petition must therefore be again **dismissed**.

Receipt of the fee of $400.00 submitted with the petition filed on March 12, 2010 is acknowledged. No further fee is due.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.[1]

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

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

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

By hand: Customer Service Window
ATTN: Office of Petitions
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via EFS-Web.

The application is being forwarded to the Office of Patent Application Processing for further processing with the currently accorded filing date of December 23, 2009, using the application papers present on filing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] 37 CFR 1.181(f).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DON B. FINKELSTEIN, ESQ.
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Patent Number: 7,874,275 :
Issue Date: 01/25/2011 :
Application Number: 12/655,144 : NOTICE
Filing or 371(c) Date: 12/24/2009 :
Attorney Docket Number: PA5622 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on March 21, 2011.

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

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

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

Petitioner has appointment a representative to conduct all business before the Patent and Trademark Office (Office). The Office will not engage in dual correspondence with petitioner and petitioner's representative. Accordingly, petitioner must conduct all future correspondence with this Office through the representative of record. If petitioner no longer wishes to be represented by the representative of record, then a revocation of the power of attorney or authorization of agent must be submitted. A correspondence must be included on the correspondence instructing the Office where all future correspondence should be mailed. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

Douglas Wood
Attorney
Office of Petitions

Cc: BERNARD HERZER
10866 WASHINGTON BLVD #501
CULVER CITY CA 90232

IAP10Rec'd PCT 01 OCT 2010

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Pros Hwy

PTO/SB/20JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE PCT/USPTO AND THE USPTO

Application No.:	12/655,209	Filing Date:	21 December 2009
First Named Inventor:	Robert Saute		
Attorney Docket No.:	992-003		
Title of the Invention:	COMPOSITION AND METHOD FOR HAIR STRAIGHTENING		

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

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The JPO/PCT application number(s) is/are: PCT/US2007/014612

The filing date of the JPO/ PCT application(s) is/are: 20 June 2007

I. List of Required Documents:

a. **A copy of the latest PCT office actions (other than "Decision to Grant a Patent"*) in the above-identified PCT application(s)**

☑ Is attached.

☐ Is not attached because the JPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the PCT in the above-identified JPO application(s)**

☑ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.**

d. **(1) An information disclosure statement listing the documents cited in the PCT 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 _____

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/20JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) BETWEEN THE PCT/USPTO AND THE USPTO
(continued)

Application No.:	12/655,209
First Named Inventor:	Robert Saute

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
1-14	1-14	ISR found all claims to have novelty, inventive step and industrial applicability. Claims were amended for clarity prior to US national stage filing which included the amended language.

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

Signature Sandra Lipkin	Date 9-27-10
Name (Print/Typed) Sandra Lipkin	Registration Number 47617

Docket No. 992-003 PATENT

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN PCT/USPTO AND THE USPTO TRANSMITTAL LETTER

In re Application of: Saute et al.

Serial No. 12/655,209 Examining Attorney:

Filing Date: 12/21/09 Law Office:

Title: COMPOSITION AND METHOD FOR HAIR STRAIGHTENING

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

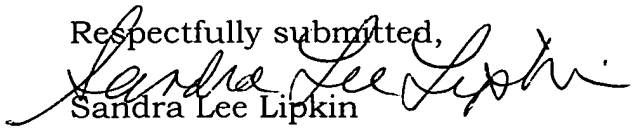
In connection with the above-referenced patent, please find the following:

1) Request for Participation in the Patent Prosecution Highway (PPH) Program Between PCT/USPTO and the USPTO (modified JPO form for USPTO)
2) A copy of ISR
3) A copy of amendments made as a result of ISR, made for Clarity and filed prior to US National Stage application
4) Copy of US National Stage application showing claims as Amended
5) Information Disclosure Statement citing references from ISR

The Director is hereby authorized to charge the required fee, any deficiency, or credit any overpayment, to Deposit Account No. 50-3946.

Law Offices of Sandy Lipkin
P.O. Box 3518
Ventura, CA 93006-3518
Customer No. 000067547

Respectfully submitted,



Sandra Lee Lipkin
Reg. No. 47,617

Certificate of Mailing

I hereby certify that this is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: 9-28-10 By: Sandy Lipkin

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

RECEIVED
OCT - 2 2008
BY:

PCT

To:
SANDRA L. LIPKIN
SANDRA LEE LIPKIN, A LAW CORP.
1891 GOODYEAR AVE.
SUITE 622
VENTURA, CA 93003

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

	Date of Mailing (*day/month/year*) 30 SEP 2008
Applicant's or agent's file reference 992-001 PCT	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US07/14612	International filing date (*day/month/year*) 20 June 2007 (20.06.2007)
Applicant SAUTE ROBERT	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes, 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 *bis*.1 and 90 *bis*.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer James Henry Alstrum-Acevedo Telephone No. 571-272-3600

Form PCT/ISA/220 (April 2002)

1st Rmdr _____
2nd Rmdr 11-1-08
Due Date 11-30-08
Action File

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 992-001 PCT	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US07/14612	International filing date (*day/month/year*) 20 June 2007 (20.06.2007)	(Earliest) Priority Date (*day/month/year*)
Applicant SAUTE, ROBERT		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      ☒ the international application in the language in which it was filed.
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 Rule 43.6 *bis(a)*
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,
   a. the figure of the **drawings** to be published with the abstract is Figure No. _____
      ☐ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US07/14612

A. CLASSIFICATION OF SUBJECT MATTER
IPC: A61K 8/00(2006.01),8/19(2006.01),8/30(2006.01),8/37(2006.01),8/97(2006.01)

USPC: 424/401,725,736,757,764,773
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)
U.S. : 424/401,725,736,757,764,773

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 practicable, search terms used)
MeSH, CAPLUS, MEDLINE, PUBMED, USPATFULL, PGPB, USOC, USPT, EPAB, JPAB, DWPI, TDBD

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 6,238,658 B1 (Nguyen et al.) 29 May 2001 (29.05.2001), title, abstract, col. 1, lines 18-31; col. 4, lines 44-60; col. 5, lines 12-31, 48-53, 65-67; col. 6, lines 6-11; col. 6, line 57 through col. 7, line 35.	1, 3, 5, 7-9, 11, 13, and 15-16
A	US 6,861,077 B1 (Cannell et al.) 01 March 2005 (01.03.2005); title; abstract, col. 1, lines 14-20, 27-50; col. 1, line 62 through col. 2, line 4; col. 2, lines 8-10; col. 2, line 59 through col. 3, line 4; col. 3, lines 52-65; col.5, lines 30-65; col. 9, line 55 through col. 10, line 36.	2, 4, 6, 10, 12, 14
A	US 2005/0186232 A1 (Malle et al.) 25 August 2005 (25.08.2005); title, abstract; [0007]-[0011], [0025], [0043], [0049], [0053], [0058], and [0060]-[0066].	1, 3, 5, 7-9, 11, 13, and 15-16

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent 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
18 August 2008 (18.08.2008)	30 SEP 2008
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer James Henry Alstrum-Acevedo Telephone No. (571) 272-5548

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SANDRA L. LIPKIN
SANDRA LEE LIPKIN, A LAW CORP.
1891 GOODYEAR AVE.
SUITE 622
VENTURA, CA 93003

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference 992-001 PCT	Date of mailing (*day/month/year*) 30 SEP 2008 **FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date (*day/month/year*)	Priority date (*day/month/year*)
PCT/US07/14612	20 June 2007 (20.06.2007)	

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

IPC: **A61K 8/00**(2006.01),**8/19**(2006.01),**8/30**(2006.01),**8/37**(2006.01),**8/97**(2006.01)
USPC: 424/401,725,736,757,764,773

Applicant

SAUTE, ROBERT

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/ US	Date of completion of this opinion	Authorized officer
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	18 August 2008 (18.08.2008)	James Henry Alstrum-Acevedo Telephone No. (571) 272-5548

Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/14612

Box No. I Basis of this opinion

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

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

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

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

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

a. 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/US07/14612

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)	Claims 1-16	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1-16	YES
	Claims NONE	NO
Industrial applicability (IA)	Claims 1-16	YES
	Claims NONE	NO

2. Citations and explanations:

Claims 1-16 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a kit comprising three different solutions as described in Applicant's claim 1 or a method of straightening or curling hair utilizing said kit, as described in Applicant's claim 9.

Claims 1-16 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/14612

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 1-2, 4, 6, 9-10, 12, and 14 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 1-2, 4, 6, 9-10, 12, and 14 are indefinite for the following reason(s): (1) claims 1 and 9 are indefinite, because said claims describe the three solutions as "further comprising" certain components, which implies that the three solutions comprise other unnamed components to which the recited components of each solution are further added. (2) Claims 2, 4, 6, 10, 12, and 14 are confusing because said claims indicate that the 1st, 2nd, or 3rd solution comprises a certain percentage of extracts before listing several extracts. However it is unclear whether the amount recited is meant to be the sum of the individual amounts of all of the extracts recited after the numerical range or whether each of the specific extracts listed in claims 2, 4, 6, 10, 12, and 14 are required to be present in the recited amount.

FAXED Nov. 6, 08

Docket No: 992-001 PCT PATENT

PCT AMENDMENT UNDER ARTICLE 19

FACSIMILE TRANSMITTAL LETTER

In re Application of: Saute', et al.

Serial No. PCT/US07/14612 Examining Attorney:

Filing Date: 20 June 2007 Law Office:

Title: COMPOSITION AND METHOD FOR HAIR STRAIGHTENING

International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

In connection with the above-referenced patent, please find the following:

1) Letter under Article 19

2) Amendment, 6 pages

The Director is hereby authorized to charge the required fee, any deficiency, or credit any overpayment, to Deposit Account No. 50-3946.

Law Offices of Sandy Lipkin
1891 Goodyear Ave.,
Suite 622
Ventura, CA 93003
Customer No. 000067547

Respectfully submitted,

Sandra Lee Lipkin

Sandra Lee Lipkin
Reg. No. 47,617

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the PCT Office on

Date: 6 Nov. 08 By: Linda Arcelo

Facsimile No. 011 41 22 338 8270 Pages: 10

In re Application of: ROBERT SAUTE	)	
International Application No: PCT/US07/14612	)	Docket No.: 992-001 PCT
International Filing Date: 20 June 2007	)	Date: November 6, 2008
For: COMPOSITION AND METHOD FOR HAIR STRAIGHTENING	)	

LETTER UNDER ARTICLE 19

International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

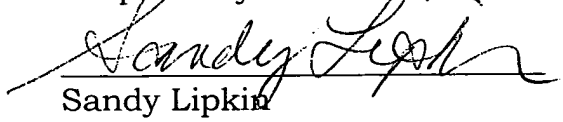
Dear Sir:

Applicant submits this letter, statement and claims under Article 19.

IN THE CLAIMS:

Claims 1, 4, 6, 9, 10, 12 and 14 have been amended to clear up cited ambiguities.

Respectfully submitted,



Sandy Lipkin
Reg. No. 47,617

Law Offices of Sandy Lipkin
1891 Goodyear Ave., #622
Ventura, CA 93003
Phone: 805-275-1861
Facsimile: 805-275-4167
Email: sandy@sandylipkin.com

In re Application of:)
ROBERT SAUTE)
)
International Application No:)
PCT/US07/14612) Docket No.: 992-001 PCT
)
International Filing Date:) Date: November 6, 2008
20 June 2007)
)
For: COMPOSITION AND METHOD)
FOR HAIR STRAIGHTENING)

STATEMENT UNDER ARTICLE 19

International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Dear Sir:

Applicant submits this Statement along with the Letter and amended claims.

Originally submitted claims 1 and 9 contain the words "further comprising" which implies that the three solutions comprise other unnamed components to which the recited components are further added. The words "further comprising" have been replaced with "comprising" in both of these claims.

Originally submitted claims 2, 4, 6, 10, 12 and 14 are confusing because they indicate that the first, second and third solutions comprises a certain percentage of extracts before listing several extracts. It is unclear whether the amount recited is meant to be the sum of the individual amounts of all of the extracts recited after the numerical range or whether each of the specific extracts listed are required to be present in the recited amount. These claims have been amended to clarify that

the amount recited is meant to be the sum of the individual amounts of all of the extracts recited after the numerical range.

In re Application of: ROBERT SAUTE	)	
International Application No: PCT/US07/14612	)	Docket No.: 992-001 PCT
International Filing Date: 20 June 2007	)	Date: November 6, 2008
For: COMPOSITION AND METHOD FOR HAIR STRAIGHTENING	)	

AMENDMENT UNDER ARTICLE 19

International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Dear Sir:

Enclosed herewith is a listing of the amended claims for the subject application. Claims 1, 4, 6, 9, 10, 12 and 14 have been amended to further define over the cited references.

Respectfully submitted,

Sandy Lipkin
Reg. No. 47,617

Law Offices of Sandy Lipkin
1891 Goodyear Ave., #622
Ventura, CA 93003
Phone: 805-275-1861
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CERTIFICATE OF MAILING

I hereby certify that this correspondence, and any attachments thereto, will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20 Switzerland on the date indicated below.

Date: _____ Signature: _____

1. A kit for the straightening or curling of hair, comprising

a first solution comprising 75-80% water, 4-6% PEG-12, 2-5% hydrolyzed corn protein, 2-5% hydrolyzed soy protein, 2-8% urea, 0.5-2.5% polysorbate 20, 0.10-0.20% methylparaben, 0.02-0.06% propylparaben, and 0.5-1.5% phenoxyethanol;

a second solution comprising 74-77% water, 3-7% stearylkonium chloride, 2-5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 0.5-1.5% stearyl alcohol, 0.5-1.5% theobroma cacao seed butter, 0.3-0.7% dimethoconol meadhowfomate, 0.5-1.5% paraffinum liquidum, 0.5-2.5% sodium chloride, 1-3% glycerin, 0.5-2.5% urea, 0.02-0.06% tetra sodium EDTA, 0.1-0.5% citric acid, 0.3-0.7% panthanol, 0.5-2.5% hydrolyzed corn protein, 0.5-1.5% hydrolyzed oat protein, 0.3-0.7% hydrolyzed soy protein, 0.5-1.5% sorbic acid, and 0.1-0.3% methylisothiazolinone; and

a third solution comprising 82-86% water, 2-4% cetrimonium bromide, 0.5-2.5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 1.5-3.5% stearyl alcohol, 0.5-1.5% glycerin, 0.3-0.7% tritcum vulgare (wheat) germ oil, 0.5-1.5% hydrolyzed corn protein, 0.3-0.7% hydrolyzed wool protein, 0.1-0.3% hydrolyzed collagen protein, 0.5-1.5% citric acid, 0.01-0.05% disodium EDTA, 0.03-0.07% methylisothiazzolinone, and 0.05-1.5% sorbic acid.

2. A kit as defined in claim 1 wherein said first solution further comprises 3-7% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

4. A kit as defined in claim 1 wherein said second solution further comprises 1.5-3.5% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

6. A kit as defined in claim 1 wherein said third solution further comprises 1-3% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

9. A method for straightening or curling hair comprising the steps of

shampooing the hair;

drying the hair thoroughly;

shaking a bottle of a first solution to remove any precipitates, said first solution comprising

75-80% water, 4-6% PEG-12, 2-5% hydrolyzed corn protein, 2-5% hydrolyzed soy protein, 2-5% urea, 0.5-2.5% polysorbate 20, 0.10-0.20% methylparaben, 0.02-0.06% propylparaben, and 0.5-1.5% phenoxyethanol;

spraying said first solution on the hair;

providing sufficient time for said first solution to soak into the hair;

applying to the hair soaked with said first solution a hot iron set a temperature between 400 and 450 degrees Fahrenheit;

with said hot iron, straighten the hair using tension and a comb between five and ten times as dictated by the type of hair;

spraying a second solution on the hair, said second solution comprising

74-77% water, 3-7% stearylkonium chloride, 2-5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 0.5-1.5% stearyl alcohol, 0.5-1.5% theobroma cacao seed butter, 0.3-0.7% dimethoconol meadhowfomate, 0.5-1.5% paraffinum liquidum, 0.5-2.5% sodium chloride, 1-3% glycerin, 0.5-2.5% urea, 0.02-0.06% tetra sodium EDTA, 0.1-0.5% citric acid, 0.3-0.7% panthanol, 0.5-2.5% hydrolyzed corn protein, 0.5-1.5% hydrolyzed oat protein, 0.3-0.7% hydrolyzed soy protein, 0.5-1.5% sorbic acid, and 0.1-0.3% methylisothiazolinone;

straighten the hair four times with a flat iron with a comb and tension, said flat iron set at a temperature between 400 and 450 degrees Fahrenheit;

spray on the hair a third solution, said third solution comprising 82-86% water, 2-4% cetrimonium bromide, 0.5-2.5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 1.5-3.5% stearyl alcohol, 0.5-1.5% glycerin, 0.3-0.7% tritcum vulgare (wheat) germ oil, 0.5-1.5% hydrolyzed corn protein, 0.3-0.7% hydrolyzed wool protein, 0.1-0.3% hydrolyzed collagen protein, 0.5-1.5% citric acid, 0.01-0.05% disodium EDTA, 0.03-0.07% methylisothiazzolinone, and 0.05-1.5% sorbic acid;

straighten the hair four times with a flat iron with a comb and tension, said flat iron set at a temperature between 400 and 450 degrees Fahrenheit;

let hair cool for 30 minutes;

rinse with water;

apply said third solution;

rinse with water;

style as desired.

10. A method as defined in claim 9 wherein said first solution further comprises 3-7% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

12. A method as defined in claim 9 wherein said second solution further comprises 1.5-3.5% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

14. A method as defined in claim 9 wherein said third solution further comprises 1-3% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

MAR 10 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/655,209	12/21/2009	1615	610	992-003	8	2

CONFIRMATION NO. 2818

UPDATED FILING RECEIPT

67547
SANDRA LEE LIPKIN A LAW CORPORATION
P.O.Box 3518
VENTURA, CA 93006

Date Mailed: 03/08/2010

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)

Robert Saute, Los Angeles, CA;
Steve Saute, La Canada Flintridge, CA;

Power of Attorney:
Sandra Lipkin--47617

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/655,209**

Projected Publication Date: 06/23/2011

Non-Publication Request: No

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

COMPOSITION AND METHOD FOR HAIR STRAIGHTENING

Background of the Invention

Reference to Prior Application

This application claims the priority of PCT application PCT/US2007/014612, filed June 30, 2007 entitled COMPOSITIO AND METHOD FOR HAIR STRAIGHTENING by Robert Saute and Steven Saute.

Field of the Invention

[001] The present invention relates generally to the field of the hair manipulation products and systems, and particularly to a process and series of compounds that permanently straighten and/or curl hair.

Description of the Prior Art

[002] The art of curling hair dates back as far as ancient Egypt, when the "mud method" was used. Wooden sticks used in the "mud method" were later replaced by metal rods, and as time progressed the rods were heated during the process. This use of heating rods was the foundation for the use of curling tongs that were still popular in the 1930s. The first permanent waving method introduced into the United States originated in France in 1884. This method included the use of concentrated seawater and heat.

[003] All previous methods were abandoned when Charles Nessler devised a process for softening the hair using borax in 1906. Evans and McDonough introduced a method using mercaptans, first as depilatories and as cold-waving agents. The substituted mercaptans were found preferable in curling the hair because they are more efficient and have a less objectionable odor.

[004] Various modifications to the use of the mercaptans products have been developed to improve the curling power and to reduce the damage done to the hair during the curling process. The most popular waving preparations have an alkaline pH in the range of 8.0 to 9.0. Acid

waves, using derivatives of thioglycolic acid are simple amide salts and esters. Amides and esters of thioglycolic acid are potential sensitizers. These products are of little commercial importance due to their instability and irritation potential. Sulfite containing products can be used in tepid waving and found use in hair straightening in the presence of large amounts of urea and isopropyl alcohol.

[005] Tepid waving, a form of heat waving has been used to increase reaction time between sulfites and hair. The temperatures used are moderate and well tolerated by consumers under a hair dryer. Steam flat irons and dry flat irons are used to straighten hair. When the tepid method is used the strength of conventional heat waving preparation is increased, while it is decreased in the cold wave products. Temperatures in the range of 20°C to as high as 80°C have been used in these procedures.

[006] The physical process of permanently waving or straightening hair is caused by a change in the molecular configuration of the keratin molecule, giving the hair a lasting curl that cannot be changed by physical means. This change in configuration can be accomplished by the use of high temperatures, or by chemicals such as alkalis and certain sulfur compounds adjusted to a proper pH, in bases having a dissociation constant of less than $5x10^{-3.5}$. Water curls and temporary sets differ from permanent waves in that the curls are formed when unstable cross linkages are present, and tend to return to their normal configuration when moistened. The hair in its normal state is made up of regularly folded polypeptide chains with cystine, hydrogen and polar or salt linkages.

[007] In order to permanently curl or straighten the hair, one must break the disulfide bonds. Before the chemical can break these disulfide bonds it must penetrate the cuticle of the hair. Both permanent waving of the hair and straightening of the hair have been popular ways

of modifying hairstyles. People with unmanageable tight curly hair frequently have their hair straightened. Straightening the hair has been accomplished by using highly viscous alkaline preparations; the high viscosity helps to keep the preparation off the scalp. The most popular preparations are formulated with sodium hydroxide or potassium hydroxide. The pHs of these preparations range from eight to twelve.

[008] All prior art products either permanently straighten or curl the hair using ingredients that are irritating to the skin. Consequently, manufacturers caution people who use these products to use protective gloves to apply the creams or solutions to the hair. They recommend protecting the skin of the person receiving the straightening or curling service as much as possible.

[009] In general the alkaline products are left on the hair for a specified length of time. A test curl is taken to determine if the time of contact is sufficient to produce a satisfactory curl. When straightening the hair, the product is placed on the hair and stretched using a styling tool or brush. Large curlers are used to obtain wavy hair. In both curling and straightening processes, there is a second step required to reform the disulfide bonds in the hair. This is necessary to make reconfiguration permanent.

[010] The shortcomings in the prior art are many fold. The primary drawback is the potential damage to the skin of the person receiving the treatment based on the high pH of the solutions used. Additionally, the processes provide a noxious smell that takes days or weeks to leave the hair. Also, universally, the hair is left in a damaged state and weaker than prior to the treatment. Accordingly, when the treated hair grows out, in order to maintain the curl or straightened state of the hair, only the newly grown hair can be treated without further damaging the hair. Another drawback to prior art methods is that the hair cannot be shampooed for several days after the procedure because the achieved result will be negated by shampooing in the days following.

[011] It is the object of the present invention to overcome all of the drawbacks of the prior art by providing a composition of products and a process for use thereof that achieves the desired ends without any of the stated drawbacks.

[012] It is an object of the invention to provide a product and process for straightening or curling hair that does not damage the skin of the person receiving the treatment based on the high pH of the solutions used.

[013] It is an object of the invention to provide a product and process for straightening or curling hair that does not leave a noxious smell in the hair of the person.

[014] It is an object of the invention to provide a product and process for straightening or curling hair that does not leave the hair in a damaged state and that actually may leave the hair in better shape than prior to the treatment.

[015] It is an object of the invention to provide a product and process for straightening or curling hair that does not incur damage with multiple treatments.

[016] It is an object of the invention to provide a product and process for straightening or curling hair that does not become undermined by the immediate shampooing of the hair after treatment.

Summary of the Invention

[017] The preferred embodiment of the present invention teaches a kit for the straightening or curling of hair, comprising a first solution further comprising 75-80% water, 4-6% PEG-12, 2-5% hydrolyzed corn protein, 2-5% hydrolyzed soy protein, 2-8% urea, 0.5-2.5% polysorbate 20, 0.10-0.20% methylparaben, 0.02-0.06% propylparaben, and 0.5-1.5% phenoxyethanol; a second solution further comprising 74-77% water, 3-7% stearylkonium chloride, 2-5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 0.5-1.5% stearyl alcohol, 0.5-1.5% theobroma cacao seed butter, 0.3-0.7% dimethoconol meadhowfomate,

0.5-1.5% paraffinum liquidum, 0.5-2.5% sodium chloride, 1-3% glycerin, 0.5-2.5% urea, 0.02-0.06% tetra sodium EDTA, 0.1-0.5% citric acid, 0.3-0.7% panthanol, 0.5-2.5% hydrolyzed corn protein, 0.5-1.5% hydrolyzed oat protein, 0.3-0.7% hydrolyzed soy protein, 0.5-1.5% sorbic acid, and 0.1-0.3% methylisothiazolinone; and a third solution further comprising 82-86% water, 2-4% cetrimonium bromide, 0.5-2.5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 1.5-3.5% stearyl alcohol, 0.5-1.5% glycerin, 0.3-0.7% tritcum vulgare (wheat) germ oil, 0.5-1.5% hydrolyzed corn protein, 0.3-0.7% hydrolyzed wool protein, 0.1-0.3% hydrolyzed collagen protein, 0.5-1.5% citric acid, 0.01-0.05% disodium EDTA, 0.03-0.07% methylisothiazzolinone, and 0.05-1.5% sorbic acid.

[018] The above embodiment can be further modified by defining that the first solution further comprises 3-7% extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

[019] The above embodiment can be further modified by defining that the first solution further comprises 0.5-1.5% fragrance.

[020] The above embodiment can be further modified by defining that the second solution further comprises 1.5-3.5% extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

[021] The above embodiment can be further modified by defining that the second solution further comprises 0.1-0.3% fragrance.

[022] The above embodiment can be further modified by defining that the third solution further comprises 1-3% extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

[023] The above embodiment can be further modified by defining that the third solution further comprises 0.1-0.3% fragrance.

[024] The above embodiment can be further modified by defining that the third solution further comprises 0.1-0.3% PABA.

[025] A second embodiment of the instant invention teaches a method for straightening or curling hair comprising the steps of shampooing the hair; drying the hair thoroughly; shaking a bottle of a first solution to remove and dissolve any precipitates, said first solution further comprising 75-80% water, 4-6% PEG-12, 2-5% hydrolyzed corn protein, 2-5% hydrolyzed soy protein, 2-5% urea, 0.5-2.5% polysorbate 20, 0.10-0.20% methylparaben, 0.02-0.06% propylparaben, and 0.5-1.5% phenoxyethanol; spraying said first solution on the hair; providing sufficient time for said first solution to soak into the hair; applying to the hair soaked with said first solution a hot iron set a temperature between 400 and 450 degrees Fahrenheit; with said hot iron, straighten the hair using tension and a comb between five and ten times as dictated by the type of hair; spraying a second solution on the hair, said second solution further comprising 74-77% water, 3-7% stearylkonium chloride, 2-5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 0.5-1.5% stearyl alcohol, 0.5-1.5% theobroma cacao seed butter, 0.3-0.7% dimethoconol meadhowfomate, 0.5-1.5% paraffinum liquidum, 0.5-2.5% sodium chloride, 1-3% glycerin, 0.5-2.5% urea, 0.02-0.06% tetra sodium EDTA, 0.1-0.5% citric acid, 0.3-0.7% panthanol, 0.5-2.5% hydrolyzed corn protein, 0.5-1.5% hydrolyzed oat protein, 0.3-0.7% hydrolyzed soy protein, 0.5-1.5% sorbic acid, and 0.1-0.3% methylisothiazolinone; straighten the hair four times with a flat iron with a comb and tension, said flat iron set at a temperature between 400 and 450 degrees Fahrenheit; spray on the hair a third solution, said third solution further comprising 82-86% water, 2-4% cetrimonium bromide, 0.5-2.5% glyceryl stearate and PEG 100 stearate, 1.5-3.5%

cetyl alcohol, 1.5-3.5% stearyl alcohol, 0.5-1.5% glycerin, 0.3-0.7% tritcum vulgare (wheat) germ oil, 0.5-1.5% hydrolyzed corn protein, 0.3-0.7% hydrolyzed wool protein, 0.1-0.3% hydrolyzed collagen protein, 0.5-1.5% citric acid, 0.01-0.05% disodium EDTA, 0.03-0.07% methylisothiazzolinone, and 0.05-1.5% sorbic acid; straighten the hair four times with a flat iron with a comb and tension, said flat iron set at a temperature between 400 and 450 degrees Fahrenheit; let hair cool for 30 minutes; rinse with water; apply said third solution; rinse with water; and style as desired.

[026] The above embodiment can be further modified by defining that the first solution further comprises 3-7% extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

[027] The above embodiment can be further modified by defining that the first solution further comprises 0.5-1.5% fragrance.

[028] The above embodiment can be further modified by defining that the second solution further comprises 1.5-3.5% extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

[029] The above embodiment can be further modified by further defining that the second solution further comprises 0.1-0.3% fragrance.

[030] The above embodiment can be further modified by further defining that the third solution further comprises 1-3% extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

[031] The above embodiment can be further modified by defining that the third solution further comprises 0.1-0.3% fragrance.

[032] The above embodiment can be further modified by defining that the third solution further comprises 0.1-0.3% PABA.

Detailed Description of a Preferred Embodiment

[033] The instant invention seeks to provide a new hair straightening and curling process and product that produces permanent reconfiguration of hair. Three unique products are applied to the hair and heated with a dry or steam iron according to specific instructions. The hair can be shampooed immediately after the procedure, leaving a permanently curled or straightened hair in excellent condition. The treatment does not leave an obnoxious odor in the hair or release obnoxious odors while the hair is being treated. A complete process can be accomplished in less than half the time it takes to accomplish the task with prior art processes and products.

[034] There are three compositions used in the process described herein. The three products used in the process of rearranging the molecular structure of the hair to create either curly or straight hair are unique in that they are not alkaline and do not produce obnoxious odors. These products are not considered irritants or sensitizers. The application of these products does not require the use of rubber gloves.

Composition of Product 1

[035] The first product consists of several hydrolyzed proteins derived from land and sea. These hydrolyzed proteins consist of amino acids, peptides and polypeptides. The first product also consists of humectants, such as glycerin, sodium salt PCA and urea; surfactants, such as those that are ionic and nonionic, sodium lauryl sulfate and polysorbate; lubricants, such as PEG-12, propylene glycol and butylenes glycol; fragrances, herbal extracts and preservatives.

[036] Product one can be made in one vessel by one skilled in the art of compounding, while controlling the stirring so as to avoid the entrapment of air therein.

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Formulation Example for Product 1

Ingredient	% by weight
Water	77.21
PEG-12	5.0
Extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantium Dulcis), Althea Officinalis, Yarrow (Achillea Millefolium), Fennel (Foeniuculum Vulgare), and Licorice (Glycrrhiz Glabia)	5.0
Hydrolyzed corn protein	3.5
Hydrolyzed soy protein	3.5
Urea	3.0
Polysorbate 20	1.5
Methylparaben	0.15
Propylparaben	0.04
Phenoxyethanol	1.0
Fragrance	0.1

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Composition of Product 2

[037] The second product consists of several hydrolyzed proteins derived from land and sea. These hydrolyzed proteins consist of amino acids, peptides and polypeptides. The second product also consists of humectants, such as glycerin, sorbitol, urea and the sodium salt PCA; surfactants, such as those that are ionic and nonionic, steareth 2, oleth 10, stearylkonium chloride, cetronium bromide; rheology modifiers, such as fatty alcohols, synthetic and natural polymers; shine conditioners, such as natural butters, silicones, natural and synthetic oils; fragrances, herbal extracts and preservatives.

[038] Product two can be made in one vessel by one skilled in the art of compounding, while controlling the stirring so as to avoid the entrapment of air therein. During compounding, product two should be heated to 75°C before cooling.

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Formulation Example for Product 2

Ingredient	% by weight
Water	76.26
Stearylkonium Chloride	5.0
Glyceryl Stearate and PEG 100 Stearate	3.0
Extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantium Dulcis), Althea Officinalis, Yarrow (Achillea Millefolium), Fennel (Foeniuculum Vulgare), and Licorice (Glycrrhiz Glabia)	2.5
Cetyl Alcohol	1.0
Stearyl Alcohol	0.5
Theobroma Cacao Seed Butter	1.0
Dimethiconol Meadowfomate	0.5
Paraffinum Liquidum	1.0
Sodium Chloride	1.5
Glycerin	2.0
Urea	1.5
Tetra Sodium EDTA	0.04
Citric Acid	0.30
Panthanol	0.50

Hydrolyzed Corn Protein	1.5
Hydrolyzed Oat Protein	1.0
Hydrolyzed Soy Protein	0.50
Sorbic Acid	0.10
Methylisothiazolinone	0.10
Fragrance	0.20

Composition of Product 3

[039] The third product consists of several hydrolyzed proteins derived from land and sea. These hydrolyzed proteins consist of amino acids, peptides and polypeptides. The third product also consists of humectants, such as glycerin, urea and panthenol; surfactants, such as those that are cationic and nonionic, stearomidopropyl dimethylamine and lipmulse 165; rheology modifiers, such as fatty alcohols, synthetic and natural and polymers; chelating agents, such as citric acid, sodium salt of ethlenediamine tetraacetic acid; shine and conditioning agents, such as natural and synthetic oils, butters and silicones; fragrances, herbal extracts and preservatives.

[040] Product three can be made in one vessel by one skilled in the art of compounding, while controlling the stirring so as to avoid the entrapment of air therein. During compounding, product three should be heated to 75°C before cooling.

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Formulation Example for Product 3

Ingredient	% by weight
Water	84.57
Cetrimonium Bromide	3.0
Glyceryl Stearate & PEG 100 Stearate	1.5
Cetyl Acohol	2.5
Stearyl Alcohol	2.5
Glycerin	1.0
Trictum Vulgare (Wheat) Germ Oil	0.50
Hydrolyzed Corn Protein	1.0
Hydrolyzed Wool Protein	0.5
Hydrolyzed Collagen Protein	0.2
PABA	0.25
Citric Acid	0.1
Disodium EDTA	0.03
Methylisothiazzolinone	0.05
Sorbic Acid	0.1
Extracts of Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantium Dulcis), Althea Officinalis, Yarrow (Achillea Millefolium), Fennel	2.0

(Foeniuculum Vulgare), and Licorice (Glycrrhiz Glabia)	
Fragrance	0.2

[041] Additional additives to each product may be used for obtaining particular effects such as volatile solvents, colors, sunscreens, etc.

[042] Once compounded, these three products need to be used following a very specific procedure in order to achieve the desired result with the desired benefits over the prior art. The composition of these three products used in conjunction with the procedure defined herein provides excellent results in either straightening or curling the hair.

[043] The procedure used to straighten the hair consists of shampooing the hair with a cleansing shampoo, then blow-drying the hair. Product one is applied to the hair and left on for a prescribed time. The hair is then hot ironed while applying stress to the hair with a styling tool or brush. The ironing procedure is repeated several times while maintaining a suitable temperature with the iron.

[044] The straightened hair is treated with product two for a suitable amount of time. The hot iron process is repeated as with product one.

[045] After the process with product two, product three is applied and the hot iron treatment is repeated as with product one. After the process of applying the iron after applying product three, the hair can be rinsed or may be shampooed and dried. It is to be understood that one of ordinary skill in the art would be able to substitute the appropriate

curling steps for the straightening steps when utilized to curl rather than straighten hair. The detailed process is outlined below.

[046] Step One: Wash the hair with an appropriate shampoo for the hair type.

[047] Step Two: Dry the hair thoroughly.

[048] Step Three: Shake the product one bottle thoroughly to disperse any precipitate.

[049] Step Four: Spray the product one on the hair.

[050] Step Five: Let product one soak into the hair for at least five minutes. If the product dries before the next step, then reapply.

[051] Step Six: Use a hot iron at a temperature of 420°F.

[052] Step Seven: Straighten the hair with the iron at 420°F using the tension and a comb.

[053] Step Eight: Repeat at least five times, up to ten times or more, depending on the hair type.

[054] Step Nine: Put the product two on the hair.

[055] Step Ten: Straighten the hair with a flat iron at 420°F with a comb for tension.

[056] Step Eleven: Repeat three times.

[057] Step Twelve: Put product three on the hair.

[058] Step Thirteen: Straighten with a flat iron at 420°F with a comb for tension.

[059] Step Fourteen: Repeat three times.

[060] Step Fifteen: Let hair cool for 30 minutes.

[061] Step Sixteen: Rinse with water.

[062] Step Seventeen: Apply product three and rinse again.

[063] Step Eighteen: Style as desired.

[064] The illustrations and examples provided herein are for explanatory purposes and are not intended to limit the scope of the appended claims. This disclosure is to be considered an exemplification

of the principles of the invention and is not intended to limit the spirit and scope of the invention and/or claims of the embodiment illustrated. Those skilled in the art will make modifications to the invention for particular applications of the invention.

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What is claimed is:

1. A kit for the straightening or curling of hair, comprising

a first solution comprising 75-80% water, 4-6% PEG-12, 2-5% hydrolyzed corn protein, 2-5% hydrolyzed soy protein, 2-8% urea, 0.5-2.5% polysorbate 20, 0.10-0.20% methylparaben, 0.02-0.06% propylparaben, and 0.5-1.5% phenoxyethanol;

a second solution comprising 74-77% water, 3-7% stearylkonium chloride, 2-5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 0.5-1.5% stearyl alcohol, 0.5-1.5% theobroma cacao seed butter, 0.3-0.7% dimethoconol meadhowfomate, 0.5-1.5% paraffinum liquidum, 0.5-2.5% sodium chloride, 1-3% glycerin, 0.5-2.5% urea, 0.02-0.06% tetra sodium EDTA, 0.1-0.5% citric acid, 0.3-0.7% panthanol, 0.5-2.5% hydrolyzed corn protein, 0.5-1.5% hydrolyzed oat protein, 0.3-0.7% hydrolyzed soy protein, 0.5-1.5% sorbic acid, and 0.1-0.3% methylisothiazolinone; and

a third solution comprising 82-86% water, 2-4% cetrimonium bromide, 0.5-2.5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 1.5-3.5% stearyl alcohol, 0.5-1.5% glycerin, 0.3-0.7% tritcum vulgare (wheat) germ oil, 0.5-1.5% hydrolyzed corn protein, 0.3-0.7% hydrolyzed wool protein, 0.1-0.3% hydrolyzed collagen protein, 0.5-1.5% citric acid, 0.01-0.05% disodium EDTA, 0.03-0.07% methylisothiazzolinone, and 0.05-1.5% sorbic acid.

2. A kit as defined in claim 1 wherein said first solution further comprises 3-7% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

4. A kit as defined in claim 1 wherein said second solution further comprises 1.5-3.5% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

6. A kit as defined in claim 1 wherein said third solution further comprises 1-3% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

9. A method for straightening or curling hair comprising the steps of

shampooing the hair;

drying the hair thoroughly;

shaking a bottle of a first solution to remove any precipitates, said first solution comprising

75-80% water, 4-6% PEG-12, 2-5% hydrolyzed corn protein, 2-5% hydrolyzed soy protein, 2-5% urea, 0.5-2.5% polysorbate 20, 0.10-0.20% methylparaben, 0.02-0.06% propylparaben, and 0.5-1.5% phenoxyethanol;

spraying said first solution on the hair;

providing sufficient time for said first solution to soak into the hair;

applying to the hair soaked with said first solution a hot iron set a temperature between 400 and 450 degrees Fahrenheit;

with said hot iron, straighten the hair using tension and a comb between five and ten times as dictated by the type of hair;

spraying a second solution on the hair, said second solution comprising

74-77% water, 3-7% stearylkonium chloride, 2-5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 0.5-1.5% stearyl alcohol, 0.5-1.5% theobroma cacao seed butter, 0.3-0.7% dimethoconol meadhowfomate, 0.5-1.5% paraffinum liquidum, 0.5-2.5% sodium chloride, 1-3% glycerin, 0.5-2.5% urea, 0.02-0.06% tetra sodium EDTA, 0.1-0.5% citric acid, 0.3-0.7% panthanol, 0.5-2.5% hydrolyzed corn protein, 0.5-1.5% hydrolyzed oat protein, 0.3-0.7% hydrolyzed soy protein, 0.5-1.5% sorbic acid, and 0.1-0.3% methylisothiazolinone;

straighten the hair four times with a flat iron with a comb and tension, said flat iron set at a temperature between 400 and 450 degrees Fahrenheit;

spray on the hair a third solution, said third solution comprising 82-86% water, 2-4% cetrimonium bromide, 0.5-2.5% glyceryl stearate and PEG 100 stearate, 1.5-3.5% cetyl alcohol, 1.5-3.5% stearyl alcohol, 0.5-1.5% glycerin, 0.3-0.7% tritcum vulgare (wheat) germ oil, 0.5-1.5% hydrolyzed corn protein, 0.3-0.7% hydrolyzed wool protein, 0.1-0.3% hydrolyzed collagen protein, 0.5-1.5% citric acid, 0.01-0.05% disodium EDTA, 0.03-0.07% methylisothiazzolinone, and 0.05-1.5% sorbic acid;

straighten the hair four times with a flat iron with a comb and tension, said flat iron set at a temperature between 400 and 450 degrees Fahrenheit;

let hair cool for 30 minutes;

rinse with water;

apply said third solution;

rinse with water;

style as desired.

10. A method as defined in claim 9 wherein said first solution further comprises 3-7% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

12. A method as defined in claim 9 wherein said second solution further comprises 1.5-3.5% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

14. A method as defined in claim 9 wherein said third solution further comprises 1-3% of a combination of extracts, said combination including any one or more of the following extracts: Gingko Biloba, Matricaria (Chamomilla Recuite), Orange Peel (Citrus Aurantinum Dulcis), Althea Officinialis, Yarrow (Achillea Millefolium), Fennel (Foeniciulum Vulgare) and Licorice (Glycyrrhiz Glabia).

COMPOSITION AND METHOD FOR HAIR STRAIGHTENING

ABSTRACT OF THE DISCLOSURE

A composition and method of use therefor that allows for permanent straightening or curl of human hair that is not irritating to the skin, that does not have an obnoxious odor, that is significantly less damaging to hair, that allows for the immediate shampooing of hair thereafter and that provides for re-treatment of the hair without additional damage, primarily using urea and high temperatures to break and reform disulfide bonds as a means to allow for the penetration of low molecular weight proteins into the shaft of the hair.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet one of one

Complete if Known	
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First Named Inventor	Robert Saute
Art Unit	
Examiner Name	
Attorney Docket Number	992-003

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US- 6238658	29 May 2001	Nguyen et al.	
	2	US- 6861077	01 Mar 2005	Cannell et al.	
	3	US- 2005/0186232	25 Aug 2005	Malle et al.	
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FOREIGN PATENT DOCUMENTS

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Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 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, 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 (1-800-786-9199) and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/655,209	12/21/2009	Robert Saute	992-003	2818

67547 7590 10/07/2010

SANDRA LEE LIPKIN A LAW CORPORATION
P.O.Box 3518
VENTURA, CA 93006

EXAMINER	
ART UNIT	PAPER NUMBER
3732	

MAIL DATE	DELIVERY MODE
10/07/2010	PAPER

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

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

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SANDRA LEE LIPKIN A LAW CORPORATION
P.O.Box 3518
VENTURA CA 93006

In re Application of	:	
SAUTE, ROBERT et al	:	DECISION ON REQUEST TO
Application No. 12/655,209	:	PARTICIPATE IN PATENT
Filed: Dec. 21, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 992-003	:	PROGRAM AND PETITION
For: COMPOSITION AND METHOD FOR HAIR STRAIGHTENING	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 1, 2010 to make the above-identified application special.

The request and petition are DISMISSED.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #6 above. The request to participate in the PPH pilot program and petition fail to include a list of

cited prior art references, Form 1449. Three US patent documents were cited in the International Search Report. An IDS including citation of these three patent documents is required.

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is dismissed.

/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

MAILED

SEP 21 2011

OFFICE OF PETITIONS

JEFFREY LASNER
4 BALTUSROL DRIVE
PURCHASE NY 10577

In re Application of	:	
Jeffrey Irwin LASNER et al.	:	ON PETITION
Application No. 12/655,226	:	
Filed: December 24, 2009	:	
Atty. Docket No.: JL 1104	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 9, 2011, to receive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 21, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned January 22, 2011. A Notice of Abandonment was mailed July 21, 2011.

A grantable petition under 37 CFR1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR1.137(d). The petition lacks items (1) and (3).

Regarding items (1) and (3), the reply and instant petition have not been signed by all of the inventors or the assignee of the entire interest. Further, a power of attorney has not been given to the signer J. Lasner.

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

Application No. 12/655,226

By Mail:	Mail Stop PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By hand:	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By facsimile:	**(571) 273-8300** Attn: Office of Petitions

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

Ramesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 18 2011

OFFICE OF PETITIONS

JEFFREY LASNER
4 BALTUSROL DRIVE
PURCHASE NY 10577

In re Application of	:	
Jeffrey Irwin LASNER et al.	:	ON PETITION
Application No. 12/655,226	:	
Filed: December 24, 2009	:	
Atty. Docket No.: JL 1104	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 7, 2011, to receive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 21, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned January 22, 2011. A Notice of Abandonment was mailed July 21, 2011.

A grantable petition under 37 CFR1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR1.137(d). The petition lacks item (1).

As the reply filed September 9, 2009 was signed by petitioner prior to petitioner having power of attorney, the reply is considered not properly signed under 37 CFR 1.33. Petitioner must re-sign reply after obtaining power of attorney.

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

Application No. 12/655,226

By Mail:	Mail Stop PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By hand:	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By facsimile:	**(571) 273-8300** Attn: Office of Petitions

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

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JAN 11 2012
OFFICE OF PETITIONS

JEFFREY LASNER
4 BALTUSROL DRIVE
PURCHASE NY 10577

In re Application of	:	
Jeffrey Irwin LASNER et al.	:	ON PETITION
Application No. 12/655,226	:	
Filed: December 24, 2009	:	
Atty. Docket No.: JL 1104	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 8, 2011, to receive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 21, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned January 22, 2011. A Notice of Abandonment was mailed July 21, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including: (1) a reply in the form of a Response to the non-final Office action mailed October 21, 2010, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

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

Application No. 12/655,226

The application file will be referred to Technology Center Art Unit 3776 for further consideration of the filed Response.

Robert DeWitty
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT E. MASSA
1535 SOUTH MEMORIAL DRIVE, SUITE 102
TULSA, OK 74112-7046

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
ENGLISH, Jerry Anthony :
Application No. 12/655,269 : DECISION ON PETITION
Filed: June 26, 2008 : TO WITHDRAW
Attorney Docket No. **1292.1384101** : FROM RECORD
:

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

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Robert E. Massa has been revoked by the applicant of the patent application on December 12, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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The Law Offices of Christopher K. Gagne
c/o CPA Global
B.O. Box 52050
Minneapolis MN 55402

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of
HSIN et al.
Application No. 12/655,311
Filed: 12/29/2009
Attorney Docket No. P26506X

DECISION GRANTING PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 20, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional applications.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

Additionally, the present nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional applications.

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

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

A corrected Filing Receipt, which includes the benefit claim to the prior-filed provisional applications, accompanies this decision on petition.

The application is being forwarded to Technology Center AU 2182 for consideration by the examiner of the claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional applications.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/655,311	12/29/2009	2182	1272	P26506X	21	3

CONFIRMATION NO. 3868

CORRECTED FILING RECEIPT

76973
The Law Offices of Christopher K. Gagne
c/o CPA Global
B.O. Box 52050
Minneapolis, MN 55402

OC000000052727687

Date Mailed: 02/22/2012

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

Applicant(s)

Chih-Fan Hsin, Portland, OR;
Jr-Shian Tsai, Beaverton, OR;
Tsung-Yuan C. Tai, Portland, OR;

Power of Attorney: The patent practitioners associated with Customer Number 76973

Domestic Priority data as claimed by applicant

This application is a CIP of 12/208,654 09/11/2008 PAT 8112646
which claims benefit of 60/973,044 09/17/2007
and claims benefit of 60/973,038 09/17/2007
and claims benefit of 60/973,035 09/17/2007
and claims benefit of 60/973,031 09/17/2007

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

If Required, Foreign Filing License Granted: 01/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/655,311**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DMA (DIRECT MEMORY ACCESS) COALESCING

Preliminary Class

710

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/655,325	12/29/2009	Elizabeth Marjorie Clare Hillman	2413.058US1	3282

68836 7590 05/13/2011

SCHWEGMAN, LUNDBERG & WOESSNER/COLUMBIA UNIVERSITY
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
CASLER, BRIAN L	

ART UNIT	PAPER NUMBER
3737	

NOTIFICATION DATE	DELIVERY MODE
05/13/2011	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):

uspto@slwip.com
request@slwip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER/COLUMBIA UNIVERSITY
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of: HILLMAN ET AL.
Application No. 12/655,325
Filed: December 29, 2009
For: OPTICAL IMAGING OR SPECTROSCOPY SYSTEMS AND METHODS

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(a)(2), filed December 29, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, Figs. 10A-G, Figs. 11A-G, Fig. 17 and Fig. 18 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. ∋ 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The petition was filed with the required fee and 3 (three) sets of color drawings of Figs. 10A-G, Figs. 11A-G, Fig. 17 and Fig. 18. The specification at page 12, lines 8-10 did contain the required notification described above.

The petition is **GRANTED**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of :
Guzek et al. :
Application No. 12/655,335 : DECISION ON PETITION
Filed: December 29, 2009 :
Attorney Docket No. P31343 :

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 of Omitted Item(s) In A Nonprovisional Application (Notice) mailed May 12, 2010 and the Notice of Incomplete Reply (Nonprovisional) (Notice) mailed July 22, 2010. The original Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 13, 2010. A Notice of Abandonment was mailed January 24, 2011.

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

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

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
Petitions Examiner
Office of Petitions

cc: Kathy J. Ortiz
2200 Mission College Boulevard
Santa Clara, CA 95052

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED
FEB 03 2012
OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 12/655,438 : ON PETITION
Filed: 12/30/2009 :
Attorney Docket Number: CAS3-PT047.1 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) to Accept Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on December 30, 2009.

The petition is **DISMISSED**.

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

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

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

Petitioners assert color drawings for Figures 4(a)-(c) are the only practical medium to disclose the subject matter to be protected.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2891.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN HALL
1831 BROWN ST.
NAPA CA 94559

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of :

Hall :

Application No. 12/655,475

: DECISION ON PETITION

Filed: December 31, 2009 :

Attorney Docket No.

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 24, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 25, 2010. A Notice of Abandonment was mailed December 8, 2010.

The amendment filed November 29, 2010, is noted.

The request for the extension of time within the third month filed December 14, 2010, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of $310.00 will be refunded, in due course.

The application is being forwarded to Technology Center 3600, GAU 3617 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, PO BOX 224
MONROE CT 06468

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of :
Paul J. PLISHNER :
Application No. 12/655,482 : DECISION ON PETITION
Filed: December 31, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2-603.021-7 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 7, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

All other inquiries should be directed to the Technology Center at (571) 272-3600.

The application is being forwarded to Technology Center Art Unit 3628 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PETER I. LIPPMAN
17900 MOCKINGBIRD DRIVE
RENO NV 89508

MAILED
AUG 05 2011
OFFICE OF PETITIONS

In re Application of

Algirdas Avizenis
Application No. 12/655,511
Filed: December 31, 2009
Attorney Docket No. xAAA-02

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 23, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from applicant's representative that he is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 2113 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF STEPHEN CANNAVALE LLC
3 HANLON ROAD
CALDWELL NJ 07006

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Chris KELLY	:	
Application No. 12/655,526	:	DECISION ON PETITION
Filing Date: December 31, 2009	:	
Attorney Docket No. 1005-002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed June 16, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of June 16, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAY 23 2011
OFFICE OF PETITIONS

DAVID A. HARRELL
54437 SALEM DRIVE
SHELBY TOWNSHIP MI 48316

In re Application of :
David A. Harrell :
Application No. 12/655,558 : DECISION ON PETITION
Filed: December 31, 2009 :
Attorney Docket No. :

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed January 22, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 23, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) in that the drawings filed March 28, 2011 do not show each of the sheets labeled as "Replacement Sheet" as required by 37 CFR 1.121(d).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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 Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **DAVID A. HARRELL**
407 SIXTH STREET
ROCHESER MI 48307

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN R. BENEFIEL
525 Lewis Street
BIRMINGHAM, MI 48009

MAILED

SEP 07 2011

OFFICE OF PETITIONS

In re Application of :
David A. Harrell :
Application No. 12/655,558 : ON PETITION
Filed: December 31, 2009 :
Attorney Docket No. OPT-102 :

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

In response to the decision mailed May 23, 2011, petitioner submits the present renewed petition along with twenty-two (22) sheets of replacement drawings containing Figures 1-21C.

Since the petition satisfies the requirements of 37 CFR 1.137(b), in that petitioner has supplied (1) the reply in the form of an executed Oath/Declaration; (2) the petition fee of $810; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

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

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

Andrea Smith
Petitions Examiner
Office of Petition

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.
12/655,640	01/05/2010	Tsutomu Hayashi	4041J-001639/US	1611

27572 7590 11/02/2011

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

EXAMINER	
YAO, KWANG BIN	

ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
11/02/2011	PAPER

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

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

MAILED

NOV 0 1 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of: Yoshifumi Tanimoto
Application No. 12/655,640
Filed: January 5, 2010
For: **COMMUNICATION TERMINAL AND COMMUNICATION SYSTEM**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 9, 2011, to make the above-identified application special.

The petition is **DISMISSED.**

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

1. The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date; In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):

   (a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,

   or

   (b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO,

   or

   (c) is an application which shares a common priority document with the application filed in JPO,

   or

   (d) and the JPO application are derived from/related to a PCT application having 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 one or more of those claims indicated as allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond. For example, if the JPO claims only contain claims to a process of manufacturing a product, then the claims in the USPTO are not considered to sufficiently correspond if the USPTO claims introduce product claims that are dependent on the corresponding process claims; 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 (if the translation is not a machine translation provided by the JPO);

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

Regarding the requirement of condition (6) above, applicant has failed to submit (a) an IDS listing all the documents cited by the JPO examiner and (b) copies of documents except U.S. patents or U.S. patent application publications.

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 Christopher Grant at 571-272-7294.

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

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

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.
12/655,640	01/05/2010	Tsutomu Hayashi	4041J-001639/US	1611

27572 7590 11/25/2011

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

EXAMINER	
DECKER, CASSANDRA L	
ART UNIT	**PAPER NUMBER**
2466	

MAIL DATE	DELIVERY MODE
11/25/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of: Yoshifumi Tanimoto
Application No. 12/655,640
Filed: January 5, 2010
For: **COMMUNICATION TERMINAL AND COMMUNICATION SYSTEM**

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 renewed petition under 37 CFR 1.102(a), filed November 9, 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 for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date; In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):

   (a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,

   or

   (b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO,

   or

   (c) is an application which shares a common priority document with the application filed in JPO,

   or

   (d) and the JPO application are derived from/related to a PCT application having 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 one or more of those claims indicated as allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond. For example, if the JPO claims only contain claims to a process of manufacturing a product, then the claims in the USPTO are not considered to sufficiently correspond if the USPTO claims introduce product claims that are dependent on the corresponding process claims; 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 (if the translation is not a machine translation provided by the JPO);

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRIS REESE
P.O. BOX 6651
THOUSAND OAKS, CA 91360

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of :
Morris Reese :
Application No. 12/655,648 : DECISION ON PETITION
Filed: January 5, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 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 Inventor Reese Morris stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 2173 for action on the merits commensurate with this decision.

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

F. LINDSEY SCOTT
LAW OFFICE OF F. LINDSEY SCOTT
1448 Scarborough lane
PLANO TX 75075

MAILED

AUG 17 2011

OFFICE OF PETITIONS

In re Application of :
Randal L. Decker :
Application No. 12/655,678 : ON PETITION
Filed: January 5, 2010 :
Attorney Docket No. **RDEC-26,048A**

This is a decision on the petition under 37 CFR 1.137(b) filed July 29, 2011.

The petition is GRANTED.

This application became May 11, 2011 for failure to response to the Notice of Allowance and Issue Fee Due, mailed February 10, 2011. The notice set a statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on May 11, 2011. A Notice of Abandonment was mailed on May 26, 2011

The issue fee and publication fee were received on July 29, 2011.

The application file will be directed to the Office of Data Management for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT L. RISPOLI
PRECISION COMBUSTION, INC.
410 SACKETT POINT ROAD
NORTH HAVEN, CT 06473

MAILED

AUG 2 7 2010

OFFICE OF PETITIONS

In re Application of

William c. Pfefferle
Application No. 12/655,704
Filed: January 6, 2010
Attorney Docket No. MOI 278 CIP

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 28, 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 applicant's representative that he is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CITTONE & LINDENBAUM LLP
122 W. 27TH STREET
10TH FLOOR
NEW YORK NY 10001

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of :
Motzaeli, et al. :
Application No. 12/655,726 : DECISION
Filed/Deposited: 7 January, 2010 :
Attorney Docket No. 047822.00003 :

This is a decision on the petition filed on 4 January, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

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.[1]

*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 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.*

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

[1] See 37 C.F.R. §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).

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly, to the Notice of Missing Parts (oath/declaration, surcharge, replacement drawings) mailed on 15 March, 2010, with reply due absent extension of time on or before 15 May, 2010.

The application went abandoned by operation of law after midnight 15 May, 2010.

The Office mailed the Notice of Abandonment on 3 December, 2010.

On 20 December, 2010, Petitioner filed a Revocation/Power of Attorney.

On 4 January, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), with a reply in the form of drawings, oath/declaration, surcharge, and made the statement of unintentional delay.

As noted above, 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.[2]

In the event that such an inquiry has not been made, Petitioner ***must*** *make such an inquiry.*

If such inquiry results in the discovery that 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 C.F.R. §1.137(b) was unintentional, Petitioner ***must*** *notify the Office.*

---

[2] See 37 C.F.R. §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).

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

STATUTES, REGULATIONS AND ANALYSIS

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

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[5]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

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

[4] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[5] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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

---

[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 attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

December 28, 2011

CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale CA 91209-9001

In re Application of	:	
Seong-Hoon Han	:	**DECISION ON PETITION**
Application No. 12655770	:	
Filed: 1/6/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 64875/P849	:	***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) January 6, 2010.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DENTSPLY INTERNATIONAL INC
570 WEST COLLEGE AVENUE
YORK PA 17404

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of
Werner et al.
Application No.12/655,831
Filed: January 8, 2010
Attorney Docket Number: DPD-7331-CON

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers which was mailed on January 28, 2010. The Notice set an extendable two (2) month period for reply. A three month extension of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 29, 2010. A Notice of Abandonment was mailed on January 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings (2) the petition fee of $1620, and (3) a statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 26 2012

OFFICE OF PETITIONS

BRIGHTFON, INC
7563 HOLLANDERRY PL
CUPERTINO CA 95014

In re Application of
Ramaswamy
Application No. 12/655,836
Filed: January 8, 2010
For: Dkt. No.: USER INTERFACE AND SYSTEM FOR TWO-STAGE SEARCH

: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed March 6, 2012.

The petition is **GRANTED**.

The application became abandoned October 8, 2011 for failure to timely submit a proper reply to the non-final Office action mailed July 7, 2011. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 31, 2012.

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

The undersigned has not been able to enter the correspondence address indicated on the 37 CFR 3.73(b) statement submitted March 19, 2012 as it is illegible. Copy enclosed.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, practitioner's signature appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

This application is being forwarded to Group Art Unit 2158 for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enc.

CC: JAMES HALLENBECK
Schwegman, Lundberg & Woessner, P.A.
1600 TCF Tower, 121 South Eighth Street
Minneapolis, MN 55402

S/N 12/655,836

PATENT
RECEIVED
CENTRAL FAX CENTER
MAR 19 2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Satyanarayanan Ramaswamy	Examiner: Huawen Peng	
Serial No.:	12/655,836	Group Art Unit: 2158	
Filed:	January 8, 2010	Docket: 2959.034US1	
Customer No.:	21186	Confirmation No.: 2496	
Title:	User interface and system for two-stage search		

REVOCATION AND POWER OF ATTORNEY
CERTIFICATE UNDER 37 CFR § 3.73(b)
&
CHANGE OF CORRESPONDENCE ADDRESS

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

In accordance with 37 C.F.R. Section 1.36, M.P.E.P. Section 402.05 and 402.07, please revoke any existing Powers of Attorney, if any, and appoint the following attorneys and/or patent agents to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith:

Customer Number: 21186

CERTIFICATE UNDER 37 CFR § 3.73(b)

Tata Consultancy Services Limited hereby certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of the following:

an assignment from the inventor to Brighton, Inc. recorded 04/17/2010 at Reel 024249, Frames 0066 – 0071; and

an assignment from Brighton, Inc. to Tata Consultancy Services Limited recorded 07/21/2010 at Reel 024721, Frames 0047 – 0056.

To the best of my knowledge and belief, title is in Tata Consultancy Services Limited, the assignee.

Pursuant to 37 C.F.R. § 3.73(b) I hereby declare that I am empowered to sign this certificate on behalf of Tata Consultancy Services Limited, the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Please direct all correspondence in this case to:

Schwegman, Lundberg & Woessner, P.A.
Customer No. 21186

Date 03/12/2012

By
Name:
Title:

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRICK GENTRY LAW FIRM
6701 WESTOWN PARKWAY, SUITE 100
WEST DES MOINES IA 50266

MAILED
FEB 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Garrett et al.	:	
Application No. 12/655,843	:	DECISION ON PETITION
Filed: January 8, 2010	:	
Attorney Docket No. P200245.US.01	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 29, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 30, 2010. A Notice of Abandonment was mailed on October 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration and the $65.00 Surcharge fee; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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
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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WAYNE M. TORCIVIA
60 CREIGHTON AVE.
RONKONKOMA, NY 11779

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application	:	
Wayne M. Torcivia	:	DECISION ON PETITION
Application No. 12/655,888	:	TO WITHDRAW
Filed: January 11, 2010	:	FROM RECORD
Attorney Docket No. Tor-3333	:	

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 13, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that practitioners Mitchell A. Stein and Erik B. Zarkowsky, were not properly appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: ERIK B. ZARKOWSKY
SUITE 4
24 WOODBINE AVENUE
NORTHPORT, NY 11768

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.
12/655,984	01/11/2010	Eric Stephen Kincel	9050L.1	8924

7590 06/06/2011

Mark E. Ogram (30343)
Ste 110-186
6990 E. 22nd Street
Tucson, AZ 85710

EXAMINER	
ELDRED, JOHN W	

ART UNIT	PAPER NUMBER
3641	

MAIL DATE	DELIVERY MODE
06/06/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUN - 6 2011

Mark E. Ogram (30343)
Ste 110-186
6990 E. 22nd Street
Tucson, AZ 85710

In re application of
Stephen Eric Kincel
Application No. 12/655,984
Filed: January 11, 2010
For: SPRING ENHANCED BUFFER FOR A FIREARM

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on May 23, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

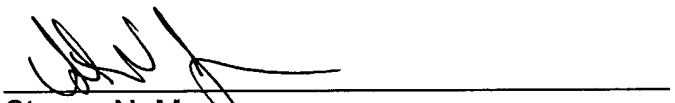
To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on May 23, 2011 the petition must be considered under the new guidelines irrespective of when the application was filed and thus is properly **DENIED**.

For at least the above-stated reason, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Special Program Examiner, at (571) 272-6611.



Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 6/3/11

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 9242

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/655,996	01/12/2010	705	3623	RAY-213J(08E021)

APPLICANTS

Michael D. Howard, Westlake Village, CA;
Bradford W. Miller, Narragansett, RI;

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

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

01/27/2010

Foreign Priority claimed ❑ Yes ❑ No 35 USC 119(a-d) conditions met ❑ Yes ❑ No Verified and Acknowledged _____ Examiner's Signature	❑ Met after Allowance _____ Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	7	16	2

ADDRESS

Iandiorio Teska & Coleman
255 Bear Hill Road
Waltham, MA 02451
UNITED STATES

TITLE

Possible worlds risk assessment system and method

FILING FEE RECEIVED		
1090	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	❑ All Fees ❑ 1.16 Fees (Filing) ❑ 1.17 Fees (Processing Ext. of time) ❑ 1.18 Fees (Issue) ❑ Other _____ ❑ Credit

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Maruyama et al.	:	
Application No. 12/656,031	:	ON PETITION
Filed: January 14, 2010	:	
Attorney Docket No. 104-008	:	

This is a notice regarding your request, August 10, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of :
Chang-Hwang Hua et al. :
Application No. 12/656,073 : ON PETITION
Filed: January 15, 2010 :
Attorney Docket No. HUAC3001/EM :

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission filed July 13, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc.. 154 F.33d 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 in the amount of $545, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**.

This matter is being referred to the Publishing Division to be processed into a patent.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Patent No. 7,854,736 :
Issue Date: June 15, 2010 :
Application No. 12/656,096 : ON PETITION
Filed: January 15, 2010 :
Attorney Docket No. 122967.01 :

This is a decision on the petition filed November 15, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Pillsbury Winthrop Shaw Pittman, LLP (NV)
PO Box 10500
McLean VA 22102

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Vijaya Kumar Dadala et al.	:	
Application No. 12/656,106	:	DECISION ON PETITION
Filed: January 15, 2010	:	TO WITHDRAW
Attorney Docket No. KSIP.157260	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2011.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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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I. ZBOROVSKY
16 BANTRY CT.
HUNTINGTON NY 11743

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of :
Vladimir M. Shkolnikov :
Application No. 12/656,117 : ON PETITION
Filed: January 19, 2010
Title: Structural Component For Producing :
Ship Hulls, Ship Hulls Containing The Same, :
And Method Of Manufacturing The Same

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed October 4, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3617 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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I ZBOROVSKY
16 BANTRY CT.
HUNTINGTON, NY 11743

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of :
Vladimir M. Shkolnikov :
Application No. 12/656,117 : ON PETITION
Filed: January 19, 2010 :
Attorney Docket No. :

This is a decision on the petition filed July 25, 2011 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed March 21, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 22, 2011.

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Yusuke DOI et al.	:	
Application No. 12/656,201	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: January 21, 2010	:	
Attorney Docket No. 104-009	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiners
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christos Tsironis
1603 St. REGIS
Dollard des Ormeaux QC H9B 3H7 CA
CANADA

MAILED

MAR 30 2011

OFFICE OF PETITIONS

In re Application of :
Tsironis et al. :
Application No. 12/656203 :
Filing or 371(c) Date: 01/21/2010 : ON PETITION
Title of Invention: :
WIDEBAND I-V PROBE AND :
METHOD :

This is a decision on the petition under 37 CFR 1.137(a), filed February 11, 2011, to revive the above-identified application based upon unavoidable delay in responding to the Office communication.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application 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 "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

Application papers were filed in the present application on January 21, 2010. On February 5, 2010, this Office mailed a Notice to File Corrected Application Papers, requiring Replacement Drawings. The Notice set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a reply to the Notice on March 2, 2010; however, the reply was incomplete. Applicant was so notified in a Notice of Incomplete Reply, mailed March 23, 2010. The Notice of Incomplete Reply informed applicant that Replacement Drawings were required, and that the period of reply remained as set forth in the (original) Notice.

Applicant filed a reply to the Notice on April 15, 2010; however, the reply was again incomplete because at that time, in order to be a complete reply, the reply required a one (1) month extension of time and fee. Applicant was so notified in a Notice of Incomplete Reply, mailed May 14, 2010.

Applicant filed a one (1) month extension of time on May 26, 2010; however, only up until May 5, 2010, was the required reply a one (1) month extension of time and fee. At the time the one (1) month extension of time was filed on May 26, 2010, a two (2) month extension of time and fee were required.

No complete and proper reply to the Notice of February 5, 2010 having been received, the application became abandoned May 27, 2010, the day after the incomplete reply was filed. A Notice of Abandonment was mailed February 1, 2011.

The present petition

Applicant files the present petition and provides that t replies to each and all Notices were filed. The present petition is filed by Christos Tsironis. A review of the application papers filed on January 21, 2010 reveals that the inventors listed on the oath/declaration are Christos Tsironis and Zacharia Ouardirhi.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**2**) the petition fee as set forth in 37 CFR 1.17(l); (**3**) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (**4**) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Applicant lacks items (**1**) and (**3**) as set forth above.

As to item (**1**) (the required reply), Applicant is advised that the Notice required Replacement Drawings to be filed within two (2) months of the mail date of the Notice. Here, Applicant filed Replacement Drawings two (2) months and 11 days after the Notice was mailed. As such, a one (1) month extension of time was required. Applicant filed a one (1) month extension of time on May 26, 2010; however, on a one month extension of time was required before May 6, 2010. On and after May 6, 2010 (and up until June 5, 2010), a two (2) month extension of time was required. Here, Applicant filed a one (1) month extension of time on May 26, 2010.

At present the application is abandoned. Applicant is advised that an extension of time is only available to extend the period to reply to an Office action or Notice during the extendable period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned (as of the day after the reply was due). No extensions of time are available.

Here, the maximum extendable period to reply to the Notice under 37 CFR 1.136(a) was five (5) months, and expired September 5, 2010 (Notice mailed February 5, 2010; reply period set to April 5, 2010, maximum five (5) month extension of time available, up to September 5, 2010.

The Unavoidable Standard

As to item (**3**), Applicant must provide a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. In order to determine whether the delay was unavoidable, the courts have adopted a "reasonably prudent person" standard. The courts have provided that:

> [t]he word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

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

"The critical phrase 'unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable' has remained unchanged since first enacted in 1861." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The standard for "unavoidable" delay for reinstating a patent is the same as the unavoidable standard for reviving an application. See Ray v. Lehman, 55 F.3d 606, 608-609, 34 U.S.P.Q.2d (BNA) 1786, 1787 (Fed. Cir. 1995) (citing In re patent No. 4,409,763, 7 U.S.P.Q.2d (BNA) 1798, 1800 (Comm'r Pat. 1990; Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The court in In re Mattullath, accepted the standard which had been proposed by Commissioner Hall which

"requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)). However, "The question of whether an applicant's delay in prosecuting an application was unavoidable [will] be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] Nonawareness of the content of, or a misunderstanding of, PTO statutes, PTO rules, the MPEP, or Official Gazette notices, does not constitute unavoidable delay.[2]

The statute requires a "showing" by petitioner. Therefore, petitioner has the burden of proof. The decision will be based solely on the written, administrative record in existence. It is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable.

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 CFR 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 CFR 1.8 and 1.10 does not constitute "unavoidable" delay. See Krahn, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

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[1] Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay)); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

As to item (**3**), Applicant has failed to demonstrate that the failure to file a complete and proper to the Notice was unavoidable. While Applicant filed replies to the Notices, the replies were not both complete and proper (timely). As noted above, at the time the one (1) month extension of time and fee was filed on May 26, 2010, a two (2) month extension of time and fee were required. In other words, the required reply must have included both the drawings and the proper extension of time and fee.

Further as to item (**3**), the statement of unavoidable delay is unacceptable. The application identifies the inventors as Christos Tsironis and Zacharia Ouardirhi. However, the petition is signed by inventor Christos Tsironis only. Petitioner's attention is directed to 37 CFR 1.33, which states:

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. **This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant**.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Christos Tsironis) was ever given a power of attorney to act on behalf of inventor Zacharia Ouardirhi, or that Christos Tsironis is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unavoidable delay.

Conclusion

The petition is dismissed.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a

showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

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

Applicant is advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application. Applicant is further advised that a list of registered practitioners is available at www.uspto.gov/main/patents.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this Decision only should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Christos Tsironis
1603 St. REGIS
Dollard des Ormeaux QC H9B 3H7 CA
CANADA

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of :
Tsironis et al. :
Application No. 12/656203 :
Filing or 371(c) Date: 01/21/2010 : ON PETITION
Title of Invention: :
WIDEBAND I-V PROBE AND :
METHOD :

This is a decision on the petition under 37 CFR 1.137(b), filed April 6, 2011, to revive the above-identified application based upon unintentional delay in responding to an Office communication.

Application papers were filed in the present application on January 21, 2010. On February 5, 2010, this Office mailed a Notice to File Corrected Application Papers, requiring Replacement Drawings. The Notice set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a reply to the Notice on March 2, 2010; however, the reply was incomplete. Applicant was so notified in a Notice of Incomplete Reply, mailed March 23, 2010. The Notice of Incomplete Reply informed applicant that Replacement Drawings were required, and that the period of reply remained as set forth in the (original) Notice.

Applicant filed a reply to the Notice on April 15, 2010; however, the reply was again incomplete because at that time, in order to be a complete reply, the reply required a one (1) month extension of time and fee. Applicant was so notified in a Notice of Incomplete Reply, mailed May 14, 2010.

Applicant filed a one (1) month extension of time on May 26, 2010; however, only up until May 5, 2010, was the required reply a one (1) month extension of time and fee. At the time the one (1) month extension of time was filed on May 26, 2010, a two (2) month extension of time and fee were required.

No complete and proper reply to the Notice of February 5, 2010 having been received, the application became abandoned May 27, 2010, the day after the incomplete reply was filed. A Notice of Abandonment was mailed February 1, 2011.

The present petition

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply to the Notice (drawings previously filed on April 15, 2010); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing for processing of the reply, and for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Jane Wu
108C Craig Henry Drive
Ottawa ON K2G 6L8
CANADA

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of Jane Wu :
Application No. 12/656,206 : Decision on Petition
Filing Date: January 21, 2010 :
For: Systems and Methods with Non Symmetric OFDM Modulation :

This is a decision on the petition under 37 CFR 1.137(b), filed November 5, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed February 12, 2010. The notice set a period for reply of two (2) months from the mail date of the notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on April 13, 2010. A Notice of Abandonment was mailed on October 27, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied a reply in the form of new drawings and a new abstract, the required petition fee of $810, and the

required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and the application will be prepared for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FORTKORT & HOUSTON P.C.
9442 N. CAPITAL OF TEXAS HIGHWAY
ARBORETUM PLAZA ONE, SUITE 500
AUSTIN TX 78759

MAILED

DEC 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Kamrani et al.	:	
Application No. 12/656,252	:	DECISION ON PETITION
Filed: January 22, 2010	:	
Attorney Docket No. KAMR004US0	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed February 16, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on April 17, 2010. A Notice of Abandonment was mailed on October 28, 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.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $865.00, four- month extension of time fee submitted with the petition on October 29, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Michael P. Fortkort
13164 Lazy Glen Lane
Oak Hill, Virginia 20171

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	12656268
Filing Date	22-Jan-2010
First Named Inventor	Norimasa Furukawa
Art Unit	2821
Examiner Name	TUNG LE
Attorney Docket Number	09812.0030-01000
Title	APPARATUS AND METHOD FOR DRIVING BACKLIGHT UNIT

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	/Joshua L. Goldberg/
Name	Joshua L. Goldberg
Registration Number	59369

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 24,2011

In re Application of :

Norimasa Furukawa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12656268

Filed : 22-Jan-2010

Attorney Docket No : 09812.0030-01000

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 24,2011 , 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 2821 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

MAILED

NOV 17 2010

OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
Gainer et al. :
Application No. 12/656,288 : ON PETITION
Filed: January 25, 2010 :
Attorney Docket No. DMB-4112-81 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 Technology Center Art Unit 1621 for action on the merits commensurate with this decision.

Liana Walsh
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.
12/656,305	01/25/2010	Peter Virgil Fisher	4581 D3 US	6719

7590 05/05/2011

LIFE TECHNOLOGIES CORPORATION
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER	
RILEY, JEZIA	

ART UNIT	PAPER NUMBER
1637	

NOTIFICATION DATE	DELIVERY MODE
05/05/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 3, 2011

LIFE TECHNOLOGIES CORPORATION
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402

Re Application of
FISHER, PETER VIRGIL, ET. AL
Application: **12/656305**
Filed: **01/25/2010**
Attorney Docket No: **4581 D3 US**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 25, 2010.

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

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

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

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

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

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/656,306	Filing date:	01-25-2010
First Named Inventor:	Vance DUNTON		
Title of the Invention:	METHOD OF MAKING DAMASCENE DIODES USING SELECTIVE ETCHING METHODS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US10/41830

The international filing date of the corresponding PCT application(s) is/are: 07-13-2010

I. List of Required Documents:

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

☐ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/656,306
First Named Inventor:	Vance DUNTON

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 12/29/2011

(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 12/29/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
33-36	33-36	Claims 33-36 in the US application are identical to claims 33-36 in the PCT application.

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

Signature Leo-RM	Date 1-9-12
Name (Print/Typed) Leon Radomsky	Registration Number 43445

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
15TH FLOOR
Reston VA 20191

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of
DUNTON et al.
Application No.: 12/656,306
Filed: January 25, 2010
Attorney Docket No.: 3590-331
For: METHOD OF MAKING DAMASCENE DIODES USING SELECTIVE ETCHING METHODS

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 9, 2012, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, 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 PPH pilot program and petition fails to meet condition (5) above.

Regarding the requirement of condition (5), the Notice of Allowance was mailed on January 30, 2012. Therefore, since examination of the U.S. application has begun, the request filed January 9, 2012, to make the above-identified application special cannot be granted and is hereby **DENIED**.

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

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

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

JAN 3 1 2012

OFFICE OF PETITIONS

In re Application of :
Amro et al. : DECISION ON PETITION
Application No. 12/656,311 :
Filed: 01/25/2010 : *ACCEPTANCE OF COLOR*
Attorney Docket Number: 083847-0516 : *DRAWINGS*

This is a decision on the Petition Under 37 C.F.R. § 1.84 to Accept Color Drawings received in the United States Patent and Trademark Office (USPTO) on January 25, 2010.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

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

The application is referred to Technology Center Art Unit 2881 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of
Amro et al.
Application No. 12/656,311
Filed: 01/25/2010
Attorney Docket Number: 083847-0516

DECISION ON PETITION

This is a corrected decision on the Petition Under 37 C.F.R. § 1.84 to Accept Color Drawings received in the United States Patent and Trademark Office (USPTO) on January 25, 2010.

The petition is **DISMISSED**.

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

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

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

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

Petitioners assert that color drawings are necessary because original drawings are in color, and that the technology involves color changes and noting differences in fine shades of color which cannot be fully appreciated with non-color drawings.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. In particular, the invention does not claim the array itself, only how to make it. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2881.

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

/D Wood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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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

JAN 3 1 2012

OFFICE OF PETITIONS

In re Application of
Amro et al.
Application No. 12/656,312
Filed: 01/25/2010
Attorney Docket Number: 083847-0519

DECISION ON PETITION

ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the Petition Under 37 C.F.R. § 1.84 to Accept Color Drawings received in the United States Patent and Trademark Office (USPTO) on January 25, 2010.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

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

The application is referred to Technology Center Art Unit 2881 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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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

FEB 02 2012

OFFICE OF PETITIONS

In re Application of :
Amro et al. : DECISION ON PETITION
Application No. 12/656,312 :
Filed: 01/25/2010 :
Attorney Docket Number: 083847-0519 :

This is a corrected decision on the Petition Under 37 C.F.R. § 1.84 to Accept Color Drawings received in the United States Patent and Trademark Office (USPTO) on January 25, 2010.

The petition is **DISMISSED**.

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

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

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

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

Petitioners assert that color drawings are necessary because original drawings are in color, and that the technology involves color changes and noting differences in fine shades of color which cannot be fully appreciated with non-color drawings.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. In particular, the invention does not claim the array itself, only how to make it. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2881.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/656,360	01/27/2010	Masatoshi Takahashi	136081.01	9498

25944 7590 09/22/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.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 CST

In re application of	:	DECISION ON REQUEST TO
Masatoshi Takahashi et al	:	PARTICIPATE IN PATENT
Serial No. 12/656,360	:	PROSECUTION HIGHWAY
Filed: January 27, 2010	:	PROGRAM AND
For: SOLAR CELL AND METHOD OF FABRICATING THE SAME	:	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 July 15, 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).

First, it is noted that the claims of the present applicant, in particular independent claims 1 and 4, appear to differ substantially in wording from corresponding allowed claims 1 and 3 of the JPO application. Accordingly, it is difficult to determine if the claims of the US application sufficiently correspond to the claims of the JPO application. For example, in independent claim 3 of the JPO application, reference is made to a back electrode, however this term does not appear to be present in corresponding claim 4 of the US application.

It is suggested that applicant map each of the limitations of the claims of the JPO application to the corresponding limitation in the claims of the present application, so that it can be determined if the claims of the US application sufficiently correspond.

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.
12/656,360	01/27/2010	Masatoshi Takahashi	136081.01	9498

25944 7590 01/06/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
01/06/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.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

January 5, 2011

In re application of	:	DECISION ON REQUEST TO
Masatoshi Takahashi et al	:	PARTICIPATE IN PATENT
Serial No. 12/656,360	:	PROSECUTION HIGHWAY
Filed: January 27, 2010	:	PROGRAM AND
For: SOLAR CELL AND METHOD OF	:	PETITION TO MAKE SPECIAL
FABRICATING THE SAME	:	UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed October 22, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Patent of Hashimoto et al. :
Patent No. 7,999,896 :
Issue Date: August 16, 2011 : Letter
Application No. 12/656,396 :
Filing Date: January 28, 2010 :
Attorney Docket No. 4034-170 :

This is a letter in response to the petition filed September 15, 2011, which is being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data on the front page of the patent.

The request is **granted**.

The petition is labeled as a petition under 37 CFR 1.183. Effective June 25, 2004, the practice relating to issuance of a patent to an assignee was modified by requiring that, after payment of an issue fee, a request for a certificate of correction must be filed in order to obtain issuance of the patent to an assignee. Thus, where the assignment data is submitted after payment of the issue fee, the patent document will not include the assignment information. Therefore, as 37 CFR 3.81(b) was modified to provide for issuance of the patent to the assignee, the practice of waiving the rule (37 CFR 3.81(a)) under 37 CFR 1.183 is longer necessary and has been eliminated. In other words, the petition has been treated as a request under 37 CFR 3.81(b).

37 CFR 3.81(b), as modified, reads:

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

The requirements of 37 CFR 3.81(b) have been satisfied in so far as:

1. The request states an assignment was recorded prior to issuance of the patent,
2. A request for a certificate of correction has been filed,

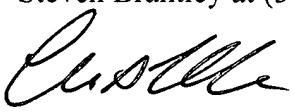
3. The $100 fee for the certification of correction has been charged to Deposit Account No. 14-1140 per the general fee authorization in the request for the certificate of correction, and
4. The $130 fee for the instant request was submitted via credit card with the request.

In view of the prior discussion, the request is granted.

The Office notes the petition includes a request for a refund of the petition fee based on the fact a request for the application to issue in the name of the assignee was filed only 18 days after the submission of the issue fee. 37 CFR 3.81(b) explicitly states the fee set forth in 37 C.F.R. 1.17(i), which is currently $130, must be submitted with any request for the application to issue in the name of the assignee. Therefore, the fee will not be refunded.

The Certificates of Correction Branch will be informed of the instant decision and the requested certificate of correction will be issued in due course.

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Intellectual Property Law Firm
R. J. Lasker, Esq.
Suite 900
1199 North Fairfax Street
Alexandria VA 22314

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of :
Keel et al. : DECISION REFUSING STATUS
Application No. 12/656,470 : UNDER 37 CFR 1.47(a)
Filed: February 1, 2010 :
For: GEN II METER SYSTEM :

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 16, 2010.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item(s) (2) set forth above.

To make the submission of a declaration timely in response to the February 23, 2010 Notice to File Missing Parts, a total of four months extension of time is required. As was indicated in the previous decision, the submission of the petition without the declaration did not toll the reply period set forth in the Notice to File Missing Parts. As such deposit account no. 50-1155 will be charged 800.00 for a total of $865.00 for a four month extension of time. Applicants are given credit for the previously submitted $65.00 one month extension of time. If petitioner can establish the prior submission of the declaration pursuant to 37 CFR 1.63 via 37 CFR 1.8 or postcard receipt, if appropriate, the extension of time fees may be returned.

As to item (2), on renewed petition, a declaration signed by previous non-signing inventor Krstanovic has been provided. However, the Office is still not in receipt of a fully executed declaration of the rest of the inventive entity.

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Intellectual Property Law Firm
R. J. Lasker, Esq.
Suite 900
1199 North Fairfax Street
Alexandria VA 22314

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Scott Keel, Tom Swiedler, Chris Krstanovic,	:	DECISION NOTING JOINDER OF
John Goltz, Al Hamilton and Eric Croft	:	INVENTOR AND PETITION
Application No. 12/656,470	:	UNDER 37 CFR 1.47(a)
Filed: February 1, 2010	:	
For: GEN II METER SYSTEM	:	

Papers have been filed on January 13, 2011, in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed September 29, 2010, and include a Declaration that is signed by a previously non-signing inventor, Krstanovic, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing for processing in the normal course of business.

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

Charlema Grant
Petitions Attorney
Office of Petitions

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

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

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

Application No:	12/656,503	Filing date:	02/01/2010
First Named Inventor:	CHARLES S. PARKER		
Title of the Invention:	METHOD OF DISTRIBUTING MUSIC ONLINE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/000702

The international filing date of the corresponding PCT application(s) is/are: 16 MARCH 2010

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

(continued)

Application No.:	12/656,503
First Named Inventor:	CHARLES S. PARKER

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
Claims 1-13	Claims 1-13	Claims 1-13 in the PCT application, which was examined by KIPO as the
		ISA for the Written Opinion, are identical to Claims 1-13 in the present
		U.S. patent application

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

Signature /ROBERT B. LYONS/	Date 04-11-2011
Name (Print/Typed) ROBERT B. LYONS	Registration Number 40708

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

FORDE REMMON R.

LITMAN LAW OFFICES, LTD. P.O. BOX 41200 SOUTH STATION ARLINGTON VA 22204 USA

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 31579-01	Date of mailing *(day/month/year)* 26 OCTOBER 2010 (26.10.2010) **FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/US2010/000782**	International filing date *(day/month/year)* **16 MARCH 2010 (16.03.2010)**
Applicant **PARKER CHARLES S.**	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:

   The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

   ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer COMMISSIONER Telephone No. 82-42-481-8754

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/en/ => Patent Search => PCT-Service

ID : PCT international application number
PW : **WL3ADRD9**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: http://www.ipkcenter.com
Email: ipkc@ipkcenter.com
Phone: +1 703 388 1066
Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
31579-01		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2010/000782	**16 MARCH 2010 (16.03.2010)**	04 JUNE 2009 (04.06.2009)
Applicant		
PARKER CHARLES S.		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the language, the international search was carried out on the basis of:
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      ☒ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/000782

A. CLASSIFICATION OF SUBJECT MATTER

G06Q 30/00(2006.01)i, G06Q 50/00(2006.01)i

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

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06Q 30/00; G06Q 99/00; G06F 15/00; G06F 12/14

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: internet, online, web, cyber, music

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2006-0149681 A1 (PHILIP MEISNER) 06 July 2006 See the abstract, figures 1-2, pages 1-2 and claims 1-2.	1-13
A	US 2008-0005654 A1 (JAMES K. DEVERICKS) 03 January 2008 See the abstract, figures 1-2, pages 1-2 and claims 1-2.	1-13
A	US 2002-0066025 A1 (TATSURO SATO et al.) 30 May 2002 See the abstract, figures 1-2, pages 1-2 and claims 1-4.	1-13
A	KR 10-2001-0094041 A (HYUN CHOON KIM) 31 October 2001 See the abstract, figure 1, pages 1-2 and claims 1-3.	1-13

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
25 OCTOBER 2010 (25.10.2010)	**26 OCTOBER 2010 (26.10.2010)**

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea
Facsimile No. 82-42-472-7140

Authorized officer
KIM, Ki Cheon
Telephone No. 82-42-481-5736

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2010/000782

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006-0149681 A1	06.07.2006	None	
US 2008-0005654 A1	03.01.2008	None	
US 2002-0066025 A1	30.05.2002	JP 04-459487 B2 JP 2002-189481 A	19.02.2010 05.07.2002
KR 10-2001-0094041 A	31.10.2001	None	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
FORDE REMMON R.

LITMAN LAW OFFICES, LTD. P.O. BOX 41200 SOUTH STATION ARLINGTON VA 22204 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	26 OCTOBER 2010 (26.10.2010)
Applicant's or agent's file reference: 31579-01	FOR FURTHER ACTION: See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/000782	**16 MARCH 2010 (16.03.2010)**	04 JUNE 2009 (04.06.2009)

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

G06Q 30/00(2006.01)i, G06Q 50/00(2006.01)i

Applicant

PARKER CHARLES S.

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

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	25 OCTOBER 2010 (25.10.2010)	KIM, Ki Cheon Telephone No.82-42-481-5736

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/000782

Box No. I Basis of this opinion

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

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

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

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

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

   a. a sequence listing filed or furnished
      ☐ on paper
      ☐ in electronic form

   b. time of filing or furnishing
      ☐ contained in the international application as filed.
      ☐ filed together with the international application in electronic form.
      ☐ furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/000782

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

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2006-0149681 A1 (PHILIP MEISNER) 06 July 2006
D2: US 2008-0005654 A1 (JAMES K. DEVERICKS) 03 January 2008
D3: US 2002-0066025 A1 (TATSURO SATO et al.) 30 May 2002
D4: KR 10-2001-0094041 A (HYUN CHOON KIM) 31 October 2001

1. Novelty and Inventive Step

The subject matter of claim 1 differs from these prior art documents in that an artist pays an artist fee to an online music store for offering a digital audio file for sale in the online store and a portion of the artist fee is distributed to a selected charity. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.
Claims 2-5 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

Claim 6 relates to a system for distributing music online according to claim 1. Claim 6 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Claims 7-9 depend on claim 6 and consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Claim 10 relates to a computer software product for distributing music online according to claim 1. Claim 10 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Claims 11-13 depend on claim 10 and consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-13 are industrially applicable under PCT Article 33(4).

CLAIMS

I claim:

1. A computerized method of distributing music online through a computer network, comprising the steps of:

establishing an online music store;

receiving an upload of at least one digital audio file to the online music store directly from an artist;

storing the at least one digital audio file on a server accessible by the online music store;

paying an artist fee to the online music store in exchange for offering the at least one digital audio file for sale in the online store;

calculating a portion of the artist fee to be contributed to a selected charity;

distributing the portion of the artist fee to the selected charity;

offering copies of the at least one digital audio file for sale in the online store over the computer network;

calculating a royalty fee to be paid to the artist upon sale of at least one copy of the at least one digital audio file;

receiving an order for purchase of a copy of the digital audio file by the online store and receiving payment of a purchase price by a purchaser to the online store through the computer network;

transmitting the copy of the digital audio file to the purchaser; and

distributing at least a portion of the royalty fee from the purchase price to the artist.

2. The computerized method of distributing music online through a computer network as recited in claim 1, further comprising the steps of:

recording sales data associated with the sale of the at least one copy; and

transmitting the sales data to a record company.

3. The computerized method of distributing music online through a computer network as recited in claim 2, further comprising the step of displaying advertising associated with the record company in the online store.

4. The computerized method of distributing music online through a computer network as recited in claim 1, further comprising the step of distributing a portion of the royalty fee to the selected charity.

5. The computerized method of distributing music online through a computer network as recited in claim 1, wherein said step of paying the artist fee to the online music store in exchange for offering the at least one digital audio file for sale in the online store comprises the further steps of defining a set time period and making an artist fee payment each said set time period.

6. A system for distributing music online through a computer network, comprising:

a processor;

computer readable memory coupled to the processor;

a network interface coupled to the processor;

software stored in the computer readable memory and executable by the processor, the software having:

means for establishing an online music store;

means for receiving an upload of at least one digital audio file to the online music store directly from an artist;

means for storing the at least one digital audio file on a server accessible by the online music store;

means for paying an artist fee to the online music store in exchange for offering the at least one digital audio file for sale in the online store;

means for calculating a portion of the artist fee to be contributed to a selected charity;

means for distributing the portion of the artist fee to the selected charity;

means for offering copies of the at least one digital audio file for sale in the online store over the computer network;

means for calculating a royalty fee to be paid to the artist upon sale of at least one copy of the at least one digital audio file;

means for receiving an order for purchase of a copy of the digital audio file by the online store and receiving payment of a purchase price by a purchaser to the online store through the computer network;

means for transmitting the copy of the digital audio file to the purchaser; and

means for distributing at least a portion of the royalty fee from the purchase price to the artist.

7. The system for distributing music online as recited in claim 6, wherein the software further includes means for recording sales data associated with the sale of the at least one copy and means for transmitting the sales data to a record company.

8. The system for distributing music online as recited in claim 7, wherein the software further includes means for displaying advertising associated with the record company in the online store.

9. The system for distributing music online as recited in claim 8, wherein the software further includes means for distributing a portion of the royalty fee to the selected charity.

10. A computer software product that includes a medium readable by a processor, the medium having stored thereon a set of instructions for distributing music online through a computer network, the instructions comprising:

(a) a first sequence of instructions which, when executed by the processor, causes the processor to establish an online music store;

(b) a second sequence of instructions which, when executed by the processor, causes the processor to receive an upload of at least one digital audio file to the online music store directly from an artist;

(c) a third sequence of instructions which, when executed by the processor, causes the processor to store the at least one digital audio file on a server accessible by the online music store;

(d) a fourth sequence of instructions which, when executed by the processor, causes the processor to receive an artist fee paid to the online music store in exchange for offering the at least one digital audio file for sale in the online store;

(e) a fifth sequence of instructions which, when executed by the processor, causes the processor to calculate a portion of the artist fee to be contributed to a selected charity;

(f) a sixth sequence of instructions which, when executed by the processor, causes the processor to distribute the portion of the artist fee to the selected charity;

(g) a seventh sequence of instructions which, when executed by the processor, causes the processor to offer copies of the at least one digital audio file for sale in the online store over the computer network;

(h) an eighth sequence of instructions which, when executed by the processor, causes the processor to calculate a royalty fee to be paid to the artist upon sale of at least one copy of the at least one digital audio file;

(i) a ninth sequence of instructions which, when executed by the processor, causes the processor to receive an order for purchase of a copy of the digital audio file by the online store and receiving payment of a purchase price by a purchaser to the online store through the computer network;

(j) a tenth sequence of instructions which, when executed by the processor, causes the processor to transmit the copy of the digital audio file to the purchaser; and

(k) an eleventh sequence of instructions which, when executed by the processor, causes the processor to distribute at least a portion of the royalty fee from the purchase price to the artist.

11. The computer software product as recited in claim 10, wherein the instructions further comprise a twelfth sequence of instructions which, when executed by the processor, causes the processor to record sales data associated with the sale of the at least one copy, and a thirteenth sequence of instructions which, when executed by the processor, causes the processor to transmit the sales data to a record company.

12. The computer software product as recited in claim 11, wherein the instructions further comprise a fourteenth sequence of instructions which, when executed by the processor, causes the processor to display advertising associated with the record company in the online store.

13. The computer software product as recited in claim 12, wherein the instructions further comprise a fifteenth sequence of instructions which, when executed by the processor, causes the processor to distributing a portion of the royalty fee to the selected charity.

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED

JAN 18 2012

OFFICE OF PETITIONS

In re Application of
Kazuki Arakawa et al.
Application No.: 12/656,523
Filed: February 2, 2010
Attorney Docket No.: 01-1957
For: Surface Acoustic Wave Element, Method of Producing the Same Product . . . of the Same

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 21, 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 Kimberly Inabinet at 571-272-4618.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucei
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/20/11

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/656,554 Patent No.: 7988540

CofC mailroom date: 08/31/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

RoChaun Hardwick
Certificates of Correction Branch
703-756-1580

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

/Joseph J. Hail, III/ — **SPE**

3723 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/656,561	02/03/2010	Hideo Oota	NCL09065US	8457

7590 08/03/2011

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

EXAMINER	
ANDERSON, MATTHEW D	
ART UNIT	**PAPER NUMBER**
2618	
MAIL DATE	**DELIVERY MODE**
08/03/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Patent No. 7,825,622 :
Issue Date: November 2, 2010 :
Application No. 12/656,652 : ON PETITION
Filed: February 12, 2010 :
Attorney Docket No. 01-1600-CON :

This is a decision on the petition under 37 CFR 1.182, filed October 11, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **granted**.

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

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

This patent file is being referred to the Files Repository.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. Any questions concerning issuance of the duplicate Letters Patent should be directed to Ollie Person in the Office of Data Management at (703) 756-1555.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)

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.
12/656,662	02/12/2010	Katsushi Asami	01-1976	1639

7590 04/04/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
WU, DANIEL J	

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
04/04/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED

JAN 3 1 2012

OFFICE OF PETITIONS

In re Application of
Ulises Eladio Perez-Hinojosa
Application No. 12/656,730
Filed: February 16, 2010
Attorney Docket No. 7521/CIP

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 6, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Jennifer A. Harchick on behalf of herself. Accordingly, Jennifer A. Harchick associated with the above-identified application has been withdrawn as attorney of record in the above-identified application.

The correspondence address of record remains unchanged.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is an outstanding Office action mailed August 24, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jennifer A. Harchick
7761 White Heron Trail
Alexandria, Virginia 22306

UNITED STATES PATENT AND TRADEMARK OFFICE

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RESTON, VA 20191

MAILED
JAN 20 2012
OFFICE OF PETITIONS

In re Application of
Yasuyuki Itoh
Application No.: 12/656,734
Filed: February 16, 2010
Attorney Docket No.: 01-1977
For: FUEL SAVING DRIVING ASSISTANCE APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 1, 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 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.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

/David Bucci/
Petitions Examiner

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

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JAN 27 2012

OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of
NIWA, et al
Application No.: 12/656,735
Filed: February 16, 2010
Attorney Docket No.: 01-1974
For: APPARATUS WITH SELECTABLE FUNCTIONS

: 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 November 30, 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 Diane Goodwyn 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 2629 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450

Staas & Halsey LLP
1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005

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FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Dong-geon KONG et al. :
Application No. 12/656,771 : ON PETITION
Filed: 16 February 2010 :
Atty. Docket No. 2093.1042

This is a decision on the petition under 37 CFR 1.59(b), filed December 16, 2010, requesting that papers filed March 30, 2010 be transferred to the above-identified application. This is also a decision on the petitions, filed December 30, 2010, under 37 CFR 1.181 requesting withdrawal of the holding of abandonment or, alternatively, under 37 CFR 1.137(b) requesting revival of the above-identified application.

The petition under 37 CFR 1.59(b) is **DISMISSED AS MOOT.**

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT.**

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed March 9, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 10, 2010.

Petitioner requests that the papers filed March 30, 2010 in application Serial No. 12/676,771 are transferred to the above-identified application as they were incorrectly submitted therein. Petitioner further requests that the holding of abandonment be withdrawn as while the papers were erroneously filed in application Serial No. 12/676,771 they contained the Serial Number of application 29/273,471.

MPEP 502 states:

> A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of

minor errors are transposed numbers, typographical errors, and listing the parent application number.

MPEP 724.05 (III) states:

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

The papers received in application Serial No. 12/676,771 on March 30, 2010 were filed with a transmittal letter. While the transmittal letter included the incorrect application serial number, it included the correct attorney docket number, title of invention, and inventor's name. Accordingly, the transmittal letter provided enough identifying indicia for the Office to transfer the papers to the correct application file. Moreover, a copy of the Notice mailed March 9, 2010 was included.

In view of the above the papers filed March 30, 2010 are being transferred to correct application.

The application file is being referred to the Office of Patent Application Processing for further action.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to the Office of Patent Application Processing for further action.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

RALPH T. LILORE
60 ROUTE 46 EAST
FAIRFIELD NJ 07004

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Arthur A. Alfaro, et al.	:	DECISION NOTING JOINDER OF
Application No.: 12/656,788	:	INVENTOR AND PETITION
Filed: February 17, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: AS-1-REG	:	

This is in response to the petition, filed May 24, 2010, under the provisions of 37 CFR 1.47(a).

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the previously non-signing inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center AU 3733 for examination on the merits in due course.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3204. Inquiries concerning the examination or status of the application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

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NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Bruno Johan Georges Putzeys	:	DECISION ON PETITION
Application Number: 12/656815	:	
Filing Date: 02/17/2010	:	
Attorney Docket Number: 2602-0017	:	

This is a decision on the petition filed on September 2, 2010, which is treated as a petition under 37 CFR 1.181 to accept a reply as timely filed.

The petition is **GRANTED**.

On March 9, 2010, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring an executed declaration and surcharge for its late filing. A two (2) month shortened period for reply was set. On June 14, 2010, an additional Notice to File Missing Parts of Nonprovisional Application was mailed, stating that the oath or declaration was missing, setting an additional (2) month period for reply.

On September 2, 2010, the subject petition was filed, whereby petitioner asserts that the declaration was timely filed in response to the Notice mailed on March 9, 2010. In support, petitioner has provided a copy of the cover letter transmitting the declaration. The reply contains a certificate of facsimile transmission dated June 8, 2010, signed by Daniel L. Jackson. Petitioner has also provided a copy of the sending unit's transmission report, showing that 12 pages were sent to the USPTO on June 8, 2010, as well as a copy of the USPTO Auto-Reply Facsimile Transmission sheet showing that 12 pages were received

on June 8, 2010. A copy of the transmittal letter, containing the certificate of transmission, is reproduced on both the sending unit's transmission report and the Auto-Reply Facsimile Transmission letter.

A review of Office financial records reveals that the fee for a one (1) month extension of time and the surcharge for late filing were both received on June 8, 2010.

Under the circumstances of this case, the declaration is considered a timely filed response to the Notice to File Missing Parts of Nonprovisional Application mailed on *June 14, 2010*, and no further fees are due.

The application is being referred to the Office of Patent Application processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
Jin Young Kim :
Application No. 12/656,844 : DECISION ON PETITION
Filed: February 17, 2010 :
Attorney Docket No. 46500-000245/US/COA :

This is a decision on the petition, filed November 24, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application is held abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 9, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed November 19, 2010.

Petitioner asserts that the USPTO incorrectly and erroneously associated the response to the Notice submitted on March 24, 2010, with an incorrect application. To support this assertion the petitioner provided a copy of the previously submitted response, including the postcard receipt.

In regard to the evidence submitted to support the above assertion, exhibits A and B inaccurately specify the wrong application number as well as the application filing date in the header information. Normally, if a paper having an incorrect application number contains sufficient information to identify the correct application and was timely filed, the holding of abandonment can be withdrawn. However, in reviewing the papers submitted, it is concluded that the information contained on the postcard receipt and Letter is not sufficient enough to associate the papers with the instant application.

In view of the above, the petition requesting withdrawal of the holding of abandonment cannot be granted.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), $810.00 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By Hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Internet: EFS-Web[1]

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64 and Privacy Act Statement

[1] **www.uspto.gov/ebc/efs_help.html** (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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RESTON, VA 20195

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FEB 18 2011

OFFICE OF PETITIONS

In re Application of :
Jin Young Kim :
Application No. 12/656,844 : ON PETITION
Filed: February 17, 2010 :
Attorney Docket No. 46500-000245/US/COA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 9, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 10, 2010. A Notice of Abandonment was mailed June 24, 2010. A Notice of Abandonment was mailed November 19, 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 Abstract (previously submitted on November 24, 2010), (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: TERRY CLARK
HARNESS, DICKEY & PIERCE, P.L.C.
11730 PLAZA AMERICA DRIVE, SUITE 600
RESTON, VA 20191

UNITED STATES PATENT AND TRADEMARK OFFICE

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

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JAN 13 2012
OFFICE OF PETITIONS

In re Application of
Hiroaki Sakakibara
Application No.: 12/656,852
Filed: February 18, 2010
Attorney Docket No.: 01-1944
For: In-Vehicle Apparatus and Map Data Updating System

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 21, 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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/David Bucci/
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 31500.27	Application Number (if known): 12/656,898	Filing date: February 18, 2010
First Named Inventor: MOHAMED ABDEL-AZIZ HABIB		
Title: CARBON-FREE FIRE TUBE BOILER		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 19, 2011
Name (Print/Typed) RICHARD J. APLEY	Registration Number 51,316

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.

Docket No. **31500.27**

Confirmation No. **6211**

Customer No. **37833**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PATENT APPLICATION OF:

APPLICANT: **MOHAMED ABDEL-AZIZ HABIB *et al.***

SERIAL NO: **12/656,898** ART UNIT: **3749**

FILED: **FEBRUARY 18, 2010** EXAMINER: **UNKNOWN**

FOR: **CARBON-FREE FIRE TUBE BOILER**

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

STATEMENT OF SPECIAL STATUS
SUPPLEMENTAL TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

This communication is supplemental to the Petition to Make Special Under the Green Technology Pilot Program being filed herewith for the above-referenced patent application, in support of the present invention's meeting of the eligibility requirements therefor. Additionally, Applicant is requesting early publication under CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

Advancement of examination out of turn of the above-referenced patent application is hereby requested under the Green Technology Pilot Program. The present invention generally relates to *greenhouse gas emission reduction, environmental quality and energy conservation.*

In particular, the present invention is drawn to a carbon-free fire tube boiler for heating water by combustion of hydrocarbon fuels with oxygen. The carbon-free fire tube

boiler includes a housing defining first and second heat transfer stages therein. At least one oxygen transport reactor is received within the first heat transfer stage of the housing. The at least one oxygen transport reactor includes an outer wall defining an open interior region therein, and an inner cylindrical ion transport membrane coaxially received within the open interior region. The inner cylindrical ion transport membrane is adapted for receiving pressurized air within a central region thereof and further separating gaseous oxygen from the pressurized air and transporting the gaseous oxygen into an annular region defined between the inner cylindrical ion transport membrane and an inner surface of the outer wall.

The gaseous fuel is delivered into the annular region of the at least one oxygen transport reactor for combustion thereof with the separated gaseous oxygen, thus producing gaseous carbon dioxide and water vapor. A water reservoir is defined within the second stage, with the water reservoir being adapted for receiving liquid water. At least one transfer tube passes through the water reservoir, with the at least one transfer tube being formed of a thermally conductive material. The gaseous carbon dioxide and the water vapor are delivered through the at least one transfer tube for heating the water contained within the water reservoir.

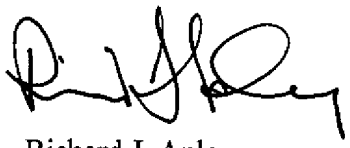
More particularly, cooled gaseous CO_2 and H_2O vapor are delivered by tubes to a stack, which is mounted external to the housing, which allows passage thereof to a heat exchanger. Thermal energy is extracted from the gaseous CO_2 and H_2O vapor (converting the water vapor into liquid water), and the liquid water may then be extracted. The CO_2 is recycled, with the CO_2 being delivered to a gas distributor. The CO_2 is recycled so as to minimize carbon dioxide emission into the environment, as well as providing a purge of oxygen, ensuring low partial pressure of O_2 within annular regions of the oxygen transport reactors.

It should be noted that the fuel combusts with pure oxygen within the annular regions, rather than being mixed with environmental air, thus resulting in increased temperatures of the exhaust gases (i.e., the CO_2 and water vapor produced by combustion). The heat produced by the combustion process is transferred to liquid water within a water reservoir, both through conduction through the wall and through conduction through the tubes as the gases flow in the second pass. The boiling of the water that takes place within the reservoir may then be used as a source of energy. Additional energy is extracted by a heat exchanger.

The present invention, as described above, is a boiler system with a vastly reduced carbon dioxide emission (when compared with conventional boilers), specifically through the recycling of the carbon dioxide within the system (without release thereof into the environment) and through the recycling of thermal energy therefrom.

It is now believed that the requirements to accelerate examination of the above-referenced patent application under the Green Technology Pilot Program have been met, and such action is respectfully requested.

Respectfully submitted,



Richard J. Apley
Registration No. 51,316
(703) 486-1000

RJA:mdr

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/656,898	02/18/2010	Mohamed Abdel-Aziz Habib	31500.27	6211

37833 7590 01/25/2011

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MANASSAS, VA 20110

EXAMINER	
ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
01/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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8955 CENTER STREET
MANASSAS VA 20110

In re Application of	:	
HABIB, MOHAMED ABDEL-AZIZ et al	:	DECISION ON PETITION
Application No. 12/656,898	:	TO MAKE SPECIAL UNDER
Filed: Feb. 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 31500.027	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 19, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 12/656948	Filing date: Feb 22, 2010
First Named Inventor: Joel Stuart Simon		
Title: Automatic Faucet with control of water temperature and water flow		

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 Joel Simon	Date January 12th, 2011
Name (Print/Typed) Joel Stuart Simon	Registration Number

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *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.

Americans use an average of 500 liters of water a day compared to 5.4 liters per day in countries where water is a rare resource. Much of the excess usage comes from waste: Faucets that run while people are brushing their teeth, faucets left on by children. Many commercial enterprises have taken to saving water by using "touch-less" faucets which only turn on while ones hands are in the sink. Touch-less faucets have not entered private homes nor into hospitals because they do not allow the user to vary the temperature.

The invention will allow the user to vary the temperature of the water coming out the "touchless" faucet. As result, it should greatly accelerate the introduction of touchless faucets in homes, schools and hospitals and significantly enhance water consumption (see chart below).

The following are just a few examples from the bathroom on how touchless faucets can save water usage in the bathroom (gallons per day per person).

	Now	With Touchless Faucet	
Teethbrushing	2	0.125	
Handwashing	2	1	
Shaving	4	1	
			Saving:
Total	8	2.125	73.4%

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

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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.

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Signature /Joel Stuart Simon/	Date January 12th, 2011
Name (Print/Typed) Joel Stuart Simon	Registration Number

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☒ *Total of 1 forms are submitted.

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Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I am petitioning for the Green Technology Pilot Program based on Conservation of Resources on the ground that my *"application clearly discloses that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements"* (quote from the Federal Register / Vol. 75, No. 98 / Friday, May 21, 2010 page 28555).

Americans use an average of 500 liters of water a day compared to 5.4 liters per day in countries where water is a rare resource. Much of the excess usage comes from waste: Faucets that run while people are brushing their teeth, faucets left on by children. Many commercial enterprises have taken to saving water by using "touchless" faucets which only turn on while ones hands are in the sink. Touchless faucets have not entered private homes nor into hospitals because they do not allow the user to vary the temperature.

The invention will allow the user in a touchless manner to both turn on the water and vary the temperature of the water. As result, it should greatly accelerate the introduction of touchless faucets in homes, schools and hospitals and significantly enhance water consumption (see chart below). While peoples' hands are not under the faucet (while brushing their teeth, or when kids walk away), the faucet will turn off.

The following are just a few examples from the bathroom on how touchless faucets can save water usage in the bathroom (gallons per day per person).

	Now	With Touchless Faucet	
Teethbrushing	2	0.125	
Handwashing	2	1	
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Total	8	2.125	73.4%

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 12/656948	Filing date: Feb 22, 2010
First Named Inventor: Joel Stuart Simon		
Title: Automatic Faucet with control of water temperature and water flow		

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Signature /Joel Stuart Simon/	Date January 12th, 2011
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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.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/656,948	02/22/2010	Joel Stuart Simon		3309

99719 7590 01/19/2011

Joel Stuart Simon
325 East 84th Street, Apartment 5b
New York, NY 10028

EXAMINER	
ART UNIT	PAPER NUMBER
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Joel Stuart Simon
325 East 84th Street, Apartment 5b
New York NY 10028

In re Application of	:	
SIMON, JOEL STUART	:	DECISION ON PETITION
Application No. 12/656,948	:	TO MAKE SPECIAL UNDER
Filed: Feb. 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 13, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items #4 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the petition, petitioner states that the claims of the application are directed to the more efficient utilization of water usage. This is not persuasive because it is not clear water conservation will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee $300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3753 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/656,948	02/22/2010	Joel Stuart Simon		3309

99719 7590 02/01/2011

Joel Stuart Simon
325 East 84th Street, Apartment 5b
New York, NY 10028

EXAMINER	
ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
02/01/2011	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

Joel Stuart Simon
325 East 84th Street, Apartment 5b
New York NY 10028

In re Application of	:	
SIMON, JOEL STUART	:	DECISION ON PETITION
Application No. 12/656,948	:	TO MAKE SPECIAL UNDER
Filed: Feb. 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 19, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item #4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the petition, petitioner states that the claims of the application are directed to the more efficient utilization of water usage. This is not persuasive because it is not clear water conservation will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3753 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

MAILED

JAN 31 2012

OFFICE OF PETITIONS

In re Application of :
Kenneth Edward Rhinefrank et al. :
Application No. 12/656,950 : DECISION ON PETITION
Filed: February 22, 2010 : TO WITHDRAW
Attorney Docket No. **2744-0003** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 10, 2012.

The request is **NOT APPROVED**.

A review of the file record indicates that Kimani Clark or any attorneys/agents associated with Customer Number 42624 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/656,952	02/22/2010	Yuji Imai	UDK-0104	5860

7590 10/13/2011

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
GUHARAY, KARABI	
ART UNIT	PAPER NUMBER
2889	
MAIL DATE	DELIVERY MODE
10/13/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Hsiao-Long Chiang	:	DECISION GRANTING STATUS
Application No. 12/656,955	:	UNDER 37 CFR 1.47(b)
Filed: February 22, 2010	:	
Attorney Docket No. CHIA3143/EM	:	

This is in response to the petition under 37 CFR 1.47(b), filed June 30, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of
Cathcart, Bruce C.
Application No. 12/656,958
Filed: February 22, 2010
Attorney Docket No. 7447

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 6, 2012.

The request is **APPROVED**.

The request was signed by Jennifer A. Harchick on behalf of herself, as she is now an employee of the U.S. Patent and Trademark Office.

All other attorneys/agents of record remain and the correspondence address of record remains unchanged.

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

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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NORMAN E. LEHRER, ESQUIRE
1205 NORTH KINGS HIGHWAY
CHERRY HILL NJ 08034

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of	:	
HERLICH, et al	:	
Application No. 12/657,044	:	DECISION ON PETITION
Filed: January 13, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 5049-9	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 30, 2012, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by Applicant Michael J. Ceglia. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center for action on the merits commensurate with this decision.

/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
www.uspto.gov

Arkados Inc.
2nd Floor
220 Old New Brunswick Rd
Piscataway NJ 08854

MAILED

JAN 27 2011

OFFICE OF PETITIONS

In re Application of :
LOGVINOV, OLEG :
Application No. 12/657,065 :
Filed: 01/13/2010 :
Attorney Docket No. EPL 081 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 22, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Corrected Application Papers mailed February 2, 2010, which set a two-month extendable period to reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2010. A Notice of Abandonment was mailed on October 18, 2010.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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RYAN KROMHOLZ & MANION, SC
POST OFFICE BOX 26618
MILWAUKEE, WI 53226

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of
Dwight D. Ingalls
Application No. 12/657,078
Filed: January 13, 2010
Attorney Docket No. 9952.21136

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Garet K. Galster on behalf of all attorneys of record who are associated with customer No. 26308. All attorneys/agents associated with the Customer Number 26308 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed November 10, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DWIGHT D. INGALLS
1297 CHRISTOPHER COURT
OCONOMOWOC, WI 53066

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
12/657,078	01/13/2010	Dwight D. Ingalls	9952.21136

CONFIRMATION NO. 5855

POWER OF ATTORNEY NOTICE

26308
RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE, WI 53226

OC000000053201884

Date Mailed: 03/19/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

John J. Piskorski
Rohm and Haas Electronic Materials LLC
455 Forest Street
Marlborough MA 01752

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Masanori ORIHASHI : ON PETITION
Application No. 12/657,096 :
Filed: January 13, 2010 :
Atty. Docket No.: 52855

This is a decision on the petition under 37 CFR 1.137(b), filed August 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed February 1, 2010 (Notice), which set a shortened period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned April 2, 2010. A Notice of Abandonment was mailed October 18, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice mailed February 1, 2010, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Patent Application Processing for further processing.

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 19 2011

R. Keith Harrison
2139 E. Bert Kouns
Shreveport LA 71105

In re Application of: Cassidy Phillips Application No.: 12/657111 Filed: January 13, 2010 Title: Massage Roller	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on November 18, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The

effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. The Notice of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) can be accessed on the internet at
http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf

Further guidance may be found website of the USPTO at
http://www.uspto.gov/web/patents/accelerated

under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

/Linda Sholl/
Linda Sholl
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of :
Max Abecassis :
Application No. 12/657,112 :
Filed: December 15, 2009 :
Attorney Docket No. 352263US91DIV :

ON PETITION

This is a decision on the petition under 37 CFR 1.53(e) filed December 15, 2009, contending the patent application filed August 11, 1998 was never processed as an application which is being treated as a petition under 37 CFR 1.53(e) to correct the filing date of the above identified application.

The petition is **GRANTED**.

Petitioner states that a divisional application was filed with the Office on August 11, 1998. Petitioner further states the Office never accorded a serial number or created an application file wrapper for the filing.

The petition requests that the duplicate filing filed with the instant petition be used to create an application with the filing date of August 11, 1998. The duplicate filing has been used to create the above identified application with an initial filing date of December 15, 2009.

MPEP 503 states;

> The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as the *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the dated stamped thereon by the USPTO.

The petition includes a copy of a postcard receipt which itemizes papers filed as a divisional patent application. The postcard receipt is stamped with an OIPE date of August 11, 1998. The petition also includes a copy of a check for $436. Review of Office records shows that this check

was applied to parent application SN 08/954,535. The records show a Mailroom date of August 11, 1998 for this check.

The petition is convincing of the fact that a new patent application, filed as a divisional of Application No. 08/954,535, was filed on August 11, 1998.

The matter is being referred to The Office of Patent Application Processing for further processing of Application No. 12/657,112 as a divisional application with a filing date of August 11, 1998. The $436 filing fees mistakenly applied to Application No. 08/954,535 will be reapplied to application 12/657,112.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

/David Bucci/
David Bucci
Petitions Examiner
Office of Petitions

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Paper No.

William H. Dippert
Eckert Seamans Cherin &
Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh PA 15219

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of :
Jeffrey Matos :
Application No. 12/657,155 : DECISION ON PETITION
Filed: January 14, 2010 :
Atty Docket No. 300682-00035 :
(MATOS 219) :

This is in response to the REQUEST FOR CORRECTED FILING RECEIPT filed February 9, 2010, requesting that the filing date of the above-identified application be corrected from January 14, 2010 to January 13, 2010.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f). Extensions of time under §1.136(a) are not permitted.

Office records show that the application papers in the above-identified application are considered deposited on January 14, 2010. Petitioner maintains that the application papers were deposited on January 13, 2010 and are entitled to a filing date of January 13, 2010 (pursuant to 37 CFR 1.10). In support thereof, petitioner submits the declaration of inventor Jeffrey A. Matos, attesting to the deposit of the application papers on January 13, 2010; a copy of the Express Mail mailing label placed on the envelope used in depositing the application on

January 13, 2010; and a copy of the Express Mail postage receipt.

37 CFR 1.10(a) provides that:

> (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
>
> (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

37 CFR 1.10(d) further provides that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence

> from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Applicant's arguments have been considered, but not found persuasive that this application is entitled to a filing date of January 13, 2010 pursuant to 37 CFR 1.10. The petition was filed promptly.

An Express Mail mailing label was supplied on petition; however, it is not consistent with that shown in the record to have been used to deposit the application papers. The application transmittal as deposited with the Office on January 14, 2010 identifies Express Mail Label No. "EM 397 277 870 US," as the mailing label used in mailing the application papers. Yet, applicant has supplied a copy of Express Mail Label No. "EH 782 827 041 US" and a copy of the USPS postal receipt associated with that mailing. The undersigned has not uncovered any reference in the application papers to the second Express Mail label number. The petition does not explain this discrepancy.

Applicant is reminded that the filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. See MPEP 513. Thus, if the application papers were actually deposited under the second Express Mail label number, applicant would not be able to overcome their failure to comply with the requirements of 1.10 by including the correct Express Mail mailing label number on the transmittal.

Further, if the error is submitting the wrong Express Mail mailing label on petition, there is no record in the USPS Track & Confirm system of "EM 397 277 870 US," the mailing label referenced on the application transmittal. (See copy of Search Results USPS Track & Confirm for this Express mailing).

Even if applicant could show that the second Express Mail mailing label number was actually the mailing label used, and that that number was supplied on deposit with the Office, the evidence associated with the second Express Mail mailing label number is not persuasive that the papers were deposited in compliance with 37 CFR 1.10 on January 13, 2010. First, the

date-in space on the label is blank. Additionally, there is no USPS date-stamp on the label. The accompanying receipt shows that $18.30 worth of postage was purchased at 10:45:17 pm on January 13, 2010. Such a purchase does not establish that the application papers were deposited in USPS service *prior to the last scheduled pickup of the day*. Contrary to such a conclusion, the USPS Track & Confirm system shows that the correspondence deposited under this mailing label was accepted at 4:06 pm on January 14, 2010, and delivered at the USPS on January 15, 2010. (See copy of Track & Confirm label enclosed). Application has not supplied any corroborating evidence, as required under 1.10(d)(3), that the application papers were deposited before the last scheduled pickup of the day. In fact, applicant acknowledges that the papers were deposited after the 10:00 pm window closed without showing that the last scheduled pickup for that date extended to at least 10:45 pm, the time alleged that the papers were deposited on January 13, 2010.

In view thereof, it is concluded that the application papers were properly accorded a date of deposit of January 14, 2010.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax:
(571) 273-8300
ATTN: Office of Petitions

By hand:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The application with a filing date of January 14, 2010 is being forwarded to the Technology Center for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosures: USPS Track & Confirm Record for EH 782827041 US
Search result Track & Confirm for EM 397277870 US

Track & Confirm

Search Results

Label/Receipt Number: **EH78 2827 041U S**
Class: **Express Mail®**
Status: **Delivered**

Your item was delivered at 8:55 am on January 15, 2010 in ALEXANDRIA, VA 22313 to PATENT OFFICE . The item was signed for by M BOSTON.

Information on this item has been restored from offline files and will be available online for 30 days from 04/21/2010.

Detailed Results:

- **Delivered, January 15, 2010, 8:55 am, ALEXANDRIA, VA 22313**
- **Arrival at Unit, January 15, 2010, 5:38 am, DULLES, VA 20102**
- **Processed through Sort Facility, January 14, 2010, 4:42 pm, NEW YORK, NY 10199**
- **Acceptance, January 14, 2010, 4:06 pm, NEW YORK, NY 10199**

Track & Confirm

Enter Label/Receipt Number.

Go >

Notification Options

Proof of Delivery

Verify who signed for your item by email, fax, or mail. Go >

Copyright© 2010 USPS. All Rights Reserved. No FEAR Act EEO Data FOIA

Track & Confirm

Search Results

Label/Receipt Number: **EM39 7277 870U S**

There is no record of this item.

Why Are You Receiving This Message?

1. Event information may not be available if your item was mailed recently. Please try again later.

2. The number was entered incorrectly. Be sure to enter all of the letters and numbers as they appear on your mailing label or receipt.

Track & Confirm

Enter Label/Receipt Number.

Go >

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

William H. Dippert
Eckert Seamans Cherin &
Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh PA 15219

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of :
Jeffrey Matos :
Application No. 12/657,155 : DECISION ON PETITION
Filed: January 14, 2010 :
Atty Docket No. 300682-00035 :
(MATOS 219) :

This is in response to the REQUEST FOR RECONSIDERATION ON PETITION TO DESIGNATE EARLIER FILING DATE filed November 15, 2010, renewing a request that the filing date of the above-identified application be corrected from January 14, 2010 to January 13, 2010.

Petitioner states that a petition filed May 18, 2010 remains unaddressed. However, this is incorrect. It is noted that the previous decision of September 14, 2010 sufficiently addressed the petition filed May 18, 2010 as that petition was merely a duplicate of the petition filed February 9, 2010. There is no need to draft a separate decision addressing a duplicate filing.

The renewed petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f). Extensions of time under §1.136(a) are not permitted.

As previously stated, Office records show that the application papers in the above-identified application are considered deposited on January 14, 2010. The initial petition included the declaration of inventor Jeffrey A. Matos, attesting to

the deposit of the application papers on January 13, 2010; a copy of the Express Mail mailing label–placed on the envelope used in depositing the application on January 13, 2010; and a copy of the Express Mail postage receipt. In dismissing the initial petition the Office found that:

- The copy of Express Mail Label No. "EH 782 827 041 US" and a copy of the USPS postal receipt associated with that mailing provided on petition referred to an Express Mail Label Number different from that identified on the application transmittal as used (i.e., EM 397 277 870 US);
- Express Mail No. "EH 782 827 041 US" was not referred to in the application papers;
- To obtain the benefit of 37 CFR 1.10, that is, that the application be considered filed with the Office on the date of deposit with the USPS, the Express Mail number must be on the application papers at the time of the original filing. The filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. See MPEP 513;
- Thus, if the application papers were actually deposited under the second Express Mail label number, applicant would not be able to overcome their failure to comply with the requirements of 1.10 by including the correct Express Mail mailing label number on the transmittal;
- If it turns out that the papers were actually deposited under the Express Mail mailing label provided ("EH 782 827 041 US"), the information thereon was not persuasive that the papers were deposited in compliance with 37 CFR 1.10 on January 13, 2010. The date-in space on the label was blank and there was no USPS date-stamp on the label. Thus, there was no Official notation showing a date of deposit of January 13, 2010. The accompanying receipt showed that $18.30 worth of postage was purchased at 10:45:17 pm on January 13, 2010. Such a purchase does not establish that the application papers were deposited in USPS service *prior to the last scheduled pickup of the day*. Contrary to such a conclusion, the USPS Track & Confirm system shows that the correspondence deposited under this mailing label was accepted at 4:06 pm on January 14, 2010, and delivered on January 15, 2010; and

- There was no information in the USPS Track & Confirm record with respect to the second Express Mail mailing label number.

On instant renewed petition, petitioner confirmed that the application papers were actually deposited under the second Express Mail mailing label number. Specifically, the inventor replaced the law firm Express Mail envelope (or at least the label) with one he bought and completed at the US Post Office and mailed the application papers under the second Express Mail mailing label number. As the application was not mailed using the law firm Express Mail envelope (or label), the copy of the mailing label prepared by the law firm has no persuasive value. Further, as applicant used a label different from that of the law firm that prepared the original application papers, petitioner cannot show compliance with the requirement of 37 CFR 1.10 that the Express Mail mailing number be placed on the correspondence prior to the original mailing. The copy of the mailing label for Express Mail mailing label number EH 782 827 041 US provided on renewed petition likewise does not show deposit on January 13, 2010. Again, this mailing label is also blank as to a date-in and does not contain an Official USPS notation showing a date-in of January 13, 2010. Petitioner has not provided persuasive evidence of compliance with 37 CFR 1.10 and entitlement to a date of deposit of January 13, 2010.

In view thereof, it is concluded that the application papers were properly accorded a date of deposit of January 14, 2010.

Further correspondence with respect to this matter should be addressed as follows:

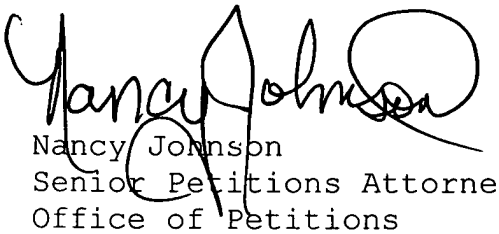
By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The application with a filing date of January 14, 2010 is being forwarded to the Technology Center for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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Paper No.

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Pittsburgh PA 15219

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of :
Jeffrey Matos :
Application No. 12/657,155 : DECISION ON PETITION
Filed: January 14, 2010 :
Atty Docket No. 300682-00035 :
(MATOS 219) :

This is in response to the RENEWED REQUEST FOR RECONSIDERATION ON PETITION TO DESIGNATE AN EARLIER FILING DATE filed May 27, 2011, renewing a request that the filing date of the above-identified application be corrected from January 14, 2010 to January 13, 2010.

The renewed petition is **DENIED**.

This decision may be viewed as a final agency action within the meaning of 5 U.S.C 704 for purposes of seeking judicial review. See MPEP § 1002.02(b). The provisions of 37 CFR 1.181(f) do not apply to this decision.

BACKGROUND

Application papers in the above-identified application were considered received by the Office after having been *deposited* in the Express Mail service of the United States Postal service (USPS) on January 14, 2010. Accordingly, pursuant to 35 U.S.C. 21(a) and 37 CFR 1.10, the application was accorded a filing date of January 14, 2010.

By request for corrected filing receipt filed February 9, 2010 and initial petition filed May 18, 2010, petitioner requested that the Office accord the application a filing date of January 13, 2010 on the basis that the application was deposited with the USPS on January 13, 2010.

By decision mailed September 14, 2010, the Office dismissed the initial request to correct the filing date to January 13, 2010. By decision mailed March 29, 2011, the Office dismissed the renewed request to correct the filing date to January 13, 2010. Considering all the evidence presented, in sum, the decisions concluded that petitioner had not complied with the requirements of 37 CFR 1.10 for benefit of a filing date of January 13, 2010, as follows:

- Petitioner had not satisfied the requirement of 37 CFR 1.10(d)(2) that the "Express Mail" mailing label be placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail." The "Express Mail" Label No. "EH 782 827 041 US" placed on the correspondence by the law firm that prepared the application was not the "Express Mail" number used to mail the correspondence. Applicant upon arrival at the USPS mailed the correspondence under a new "Express Mail" number and no change was made to the number placed on the correspondence. The actual "Express Mail" number of the label used is not on the correspondence. As such, petitioner could never establish that the "Express Mail" label number was placed on the correspondence prior to the original mailing as it simply was not.

- Petitioner was reminded that the Office does not grant requests to waive the requirement to place the number of the "Express Mail" mailing label on the papers that constitute the correspondence prior to the original mailing as this is an oversight that can be avoided by the exercise of reasonable care.

- Assuming *arguendo* that the correct "Express Mail" label number were on the application papers, petitioner had not provided persuasive evidence that the requested date of deposit, January 13, 2010, was the date of deposit with the USPS as shown by the "date-in" on the "Express Mail" label or other Official USPS notation. See 37 CFR 1.10(a)(2). The date-in space on the "Express Mail" label was blank and no USPS date-stamp was on the label. The only Official documentation uncovered with respect to the "Express Mail" mailing label used, the record from the USPS Track & Confirm system, supported the accorded filing date of January 14, 2010, as it showed that the correspondence was

considered by the USPS to have been accepted at 4:06 pm on January 14, 2010.

- The proffered receipt showing that $18.30 worth of postage was purchased at 10:45:17 pm on January 13, 2010 was not considered an Official notation by the USPS of the date of deposit. Nor was the receipt persuasive that the requirements of 37 CFR 1.10 were met. It was concluded that the making of such a purchase does not establish that the application papers were deposited in USPS service *prior to the last scheduled pickup of the day*.

The instant renewed petition was filed on May 27, 2011. Petitioner submitted an additional declaration of applicant attesting to placing the application in a USPS drop box at the U.S. Postal Service Building on Eighth Avenue and 32nd Street on January 13, 2010 at about 10:45 pm. Specifically, applicant purchased postage, applied an "Express Mail" mailing label to the envelope and dropped the envelope in the "Express Mail" box within the lobby. In support of a conclusion that the correspondence was deposited on January 13, 2010, petitioner again supplies a copy of their $18.30 postage receipt along with a copy of their EZ-Pass statement indicating that they entered the island of Manhattan on January 13, 2010, and exited on the same day at 11:17 pm..

Despite arguing entitlement to a filing date of January 13, 2010, petitioner acknowledges that on January 13, 2010 the service window was closed, prior to 10:00 pm. Thus, the service window was closed before the deposit of the application[1]. Further, counsel attests to the fact that, when mail is deposited in the lobby of the USPS Building on Eighth Avenue and 32nd Street in New York City, after 5:00 pm, it is assigned a mailing date of the next day. Counsel states the preceding fact was confirmed by an official of the USPS and is expressly stated on the Postal Deposit Boxes in the lobby of the USPS Building.

STATUTE AND REGULATION

35 U.S.C. 21(a)

The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office

[1] Petitioner states that prior to January 2010, it had remained open until at least midnight.

will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

37 CFR § 1.10(a)

(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

37 CFR 1.10(b) provides that:

Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

37 CFR 1.10(d) provides that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label

or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

OPINION

The prior decisions dismissing the request to correct the filing date to January 13, 2010, and maintaining a filing date of January 14, 2010, are affirmed. Within the meaning of 35 U.S.C. §21(a) and 37 CFR 1.10, the application papers in the above-identified application are properly considered deposited with the USPS on January 14, 2010, and thus, considered filed with the Office on January 14, 2010. The application is not entitled to an earlier filing date of January 13, 2010.

The renewed petition did not overcome the prior conclusions that the "Express Mailing" label number used was not placed on the correspondence prior to the original mailing, and that there is no Official date-in or notation showing that the correct date of deposit is January 13, 2010.

Thus, the absence of the "Express Mail" mailing number on the correspondence is dispositive[2]. As stated in MPEP 513, if the number of the mailing label did not appear on the correspondence as originally filed, relief will not be granted on petition under 37 CFR 1.10(c), (d), (e), (g) or (h), even if the party who filed the correspondence satisfies the other requirements of 37 CFR 1.10(c), 1.10(d), 1.10(e), 1.10(g), or 1.10(h).

Further, the renewed petition makes clear that the application papers were not entrusted directly to a USPS employee on January 13, 2010. Rather, the showing is that the correspondence was placed in a drop box *after* the last scheduled pickup for the day. The window to present the "Express Mail" mailing directly to a USPS employee had closed when applicant arrived at the USPS. The showing reveals that applicant expected the window to be open until midnight and did not realize that the last scheduled pickup for the drop box was 5 pm. The evidence in the form of statements from practitioner about what the USPS says the practice is with respect to the USPS branch used and the drop box corroborates the conclusion of the Office that the correspondence was deposited on January 14, 2010. The placement of the correspondence in the drop box on January 13, 2010 did not constitute a deposit with the USPS on January 13, 2010 as that USPS was no longer accepting deposits for January 13, 2010 via the drop box after 5 pm on January 13, 2010. The postage receipt and the EZ pass support a conclusion that applicant intended to deposit the papers in "Express Mail" on January 13, 2010, prior to the last scheduled pickup. However, applicant was not successful.

Petitioner has not met his burden of proof to establish a date of deposit with the USPS of January 13, 2010 in compliance with 35 USC 21(a) and 37 CFR 1.10.

---

[2] However, the correspondence as received remains entitled to a filing date of January 14, 2010. As further stated in MPEP 513, correspondence deposited with the USPS on or after December 2, 1996, and which is actually received by the Office will not be denied a filing date as of the "date-in" appearing on the "Express Mail" mailing label because the number of the "Express Mail" mailing label was not placed on the correspondence prior to the original mailing.

CONCLUSION

In view thereof, the petition is denied. It is concluded that, pursuant to 35 USC 21(a) and 37 CFR 1.10, the application papers are properly considered filed on January 14, 2010, the date of deposit with the USPS.

The application with a filing date of January 14, 2010 is being forwarded to the Technology Center for examination in due course.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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PAUL M. DENK
763 SOUTH NEW BALLAS ROAD
SUITE 305
ST. LOUIS, MO 63141

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of :
Craig E. Brown, et al. :
Application No. 12/657,177 : DECISION ON PETITION
Filed: January 16, 2010 :
Attorney Docket No. 7611 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed February 3, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 4, 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 reply, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received November 1, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
NEW HAVEN CT 06510

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Horace P. Halling :
Application No. 12/657,204 : ON PETITION
Filing: January 15, 2010 :
Attorney Docket No. SEAL110005000 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 2, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/657,204	01/15/2010	Horace P. Halling	SEAL110005000	1731

22891 7590 03/21/2012

LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

EXAMINER	
LEE, GILBERT Y	
ART UNIT	PAPER NUMBER
3674	

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
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March 20, 2012

LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
NEW HAVEN CT 06510

In re Application of	:	
Horace P. Halling	:	**DECISION ON PETITION**
Application No. 12657204	:	
Filed: 01/15/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **SEAL110005000**	:	***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) January 15, 2010.

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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/657,208	01/14/2010	Kwang Jun Cho	1568/77992-Z/JPW/AHC	4473

23432 7590 12/02/2010

COOPER & DUNHAM, LLP
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20th Floor
NEW YORK, NY 10112

EXAMINER	
WELLS, KENNETH B	
ART UNIT	PAPER NUMBER
2816	
MAIL DATE	DELIVERY MODE
12/02/2010	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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Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

In re Application of	:	
Kwang Jun CHO	:	
Application No. 12/657,208	:	DECISION ON PETITION TO ACCEPT
Filed: January 14, 2010	:	COLOR DRAWINGS
Attorney Docket No. **1568/77992-Z/JPW/AHC**	:	

This is a decision on the petition under 37 CFR 1.84(a)(2), filed January 14, 2010, to accept color drawings in the above-identified application.

The petition requests that the color drawings identified as Figs. 4 and 12 be accepted in lieu of black and white drawings.

A grantable petition under 37 CFR 1.84(a)(2) must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

> *The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.*

The petition was filed with (1) the required fee of $130; (2) the three sets of color drawings of Figs. 4 and 12; and (3) the required language in the specification. Accordingly, the petition complies with all the requirements listed above.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1988.

The application is being returned to the examiner for considering the reply filed on November 2, 2010 and taking appropriate action.

/Lincoln Donovan/
Supervisory Patent Examiner, Art Unit 2816
Technology Center 2800

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BRAD M. BEHAR & ASSOCIATES, PLLC
94 SECOND STREET
MINEOLA, NY 11501

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of
Damon L. Franklin
Application No. 12/657,252
Filed: January 15, 2010
Attorney Docket No. 09011/0006

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 April 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brad M. Behar on behalf of all attorneys of record who are associated with customer No. 93653. All attorneys/agents associated with the Customer Number 93653 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DAMON L. FRANKLIN
89-17 221 STREET
QUEENS VILLAGE, NY 11427

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/657,252	01/15/2010	Damon L. Franklin	09011/0006

CONFIRMATION NO. 8754

POWER OF ATTORNEY NOTICE

93653
Brad M. Behar & Associates, PLLC
94 Second Street
Mineola, NY 11501

OC00000004798252 3

Date Mailed: 06/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Arne R. Jorgensen, PE
Jorgensen Consulting Co., Inc.
304 Garrison Circle
Barrington, IL 60010-7048

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of Jorgensen :
Application No. 12/657,267 : Decision on Petition
Filing Date: January 19, 2010 :
For: Patent for a Personal Transportation :
Network-PTN :

This is a decision on the petition under 37 CFR 1.181 filed November 5, 2010, and supplemented on December 13, 2010, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

Facts

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on February 2, 2, 2010. The notice required the submission of:

1. An executed oath or declaration,
2. Replacement drawings (Figure 15),
3. Replacement claims,
4. Replacement abstract,
5. $65 for the surcharge set forth in 37 CFR 1.16(f), and
6. $110 for one independent claim in excess of three.

The Office did not receive a response to the February 2, 2010. As a result, the Office mailed a Notice of Abandonment on October 27, 2010.

A petition under 37 CFR 1.181 was filed November 5, 2010. The petition alleges non-receipt of the February 2, 2010 notice. Petitioner submitted information supplementing the information in the petition on December 13, 2010.

Petitioner submitted the following items on December 16, 2010:

1. A drawing sheet containing Figure 15A,
2. 13 pages of specification,

3. 3 pages of claims, and
4. An abstract page.

Discussion

The record is sufficient to establish Petitioner did not receive the February 2, 2010 notice. Therefore, the petition is granted and the holding of abandonment is withdrawn.

The Office of Patent Application Processing ("OPAP") will be informed of the instant decision. OPAP will determine which items identified in the February 2, 2010 notice have not been submitted and mail a new Notice to File Missing Parts of Nonprovisional Application requiring the submission of the missing items.

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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of
Satoshi Yonehara
Application No. 12/657,276
Filed: January 18, 2010
Attorney Docket No. 4041J-001646/US

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed July 12, 2010, requesting that the above-identified application be accorded a filing date of January 18, 2010, rather than the presently accorded date of January 19, 2010.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on January 18, 2010, pursuant to 37 CFR 1.10. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

It is noted that petitioner did not supply the Office with the Express Mail label receipt to show that the package in question was deposited with the USPS as Express Mail on January 18, 2010. However, petitioner provided the Office with an "EXPRESS MAIL LOG APPLICATIONS" for Express Mail Label No. EM183867981US dated for January 18, 2010, an Express Mail Charge Back Log, which contains the date, time and signature of the carrier and the USPS Express Mail Track and Confirm records, which shows that Express Mail Label No. EM183867981US was in fact processed through a Sort Facility on January 18, 2010 at 6:06 pm at the Detroit, MI 48242 USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on January 18, 2010. Accordingly, the petition is **granted**.

In view of the above, the $400 petition fee submitted on July 12, 2010 s being refunded to petitioner's deposit account.

This application file is being referred to the Office of Patent Application Processing for correction of the filing date to **January 18, 2010 and for issuance of a corrected filing receipt**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application	:	
Jung et al.	:	DECISION ON PETITION
Application No. 12/657,286	:	TO WITHDRAW
Filed: January 14, 2010	:	FROM RECORD
Attorney Docket No. QQ1-0202US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **DISMISSED**.

A review of the file record indicates that Customer Number 49651, Lee Hayes, PLLC, was never appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application:	:	
Tolan et al.	:	
Application No. 12/657,287	:	ON PETITION
Filed: January 14, 2010	:	
Attorney Docket No. 331921-00003 Cont.	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 8, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
(C) The deficiency owed amount (for each fee erroneously paid); and
(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency ,etc.), such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Petitioner has not provided an itemization of the total deficiency payment of $545.00 and therefore petitioner's deposit account has been charged the $130.00 processing fee as set forth in 37 CFR 1.17(i).

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
Petitions Examiner
Office of Petitions

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MAR 02 2011

OFFICE OF PETITIONS

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

In re Application of
Mary A. Tolan et al
Application No. 12/657,287
Filed: January 14, 2010
Attorney Docket No. 12/657,287

: DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed February 21, 2011.

The request is **DISMISSED**.

Applicant filed the above request for refund on February 21, 2011, and request a refund of the processing fee ($130.00) charged on February 3, 2011, in the above application.

However, applicant was notified in the decision mailed February 3, 2011 that "Petitioner has not provided an itemization of the total deficiency payment of $545.00 and therefore petitioner's deposit account has been charged the $130.00 processing fee as set forth in 37 CFR 1.17(i)."

In view of the above, the request for refund is dismissed.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST.
PORT WASHINGTON, WI 53074

MAILED
APR 06 2012
OFFICE OF PETITIONS

In re Application of :
Ronald A. Miserendino, et. al. :
Application No. 12/657,335 : DECISION ON PETITION
Filed: January 19, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. MIS0990.001 : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 19, 2012, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

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[1].

The present petition cannot be granted since it is unclear which applicant is 65 years of age or older. Therefore, the petition is **DISMISSED**. *See* USPTO form No. PTO/SB/130.

This application file is being referred to the Office of Patent Application processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

[1] No fee is required.

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TUTUNJIAN & BITETTO, P.C.
425 BROADHOLLOW ROAD, SUITE 302
MELVILLE NY 11747

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of :
Pace et al. :
Application No. 12/657,350 : DECISION ON PETITION
Filed: January 19, 2010 :
Attorney Docket No. 561-2 (CIP-CON) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed February 5, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 6, 2010. A Notice of Abandonment was mailed on October 25, 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.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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
Petitions Examiner
Office of Petitions

cc: John G. Tutunjian
20 Crossways Park North, Suite 210
Woodbury, New York 11797

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WILLIAM G. GENSLER
4020 E. CORONADO DR.
TUCSON AZ 85718

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Gensler :
Application No. 12/657,353 : DECISION
Filed/Deposited: 19 January, 2010 :
Attorney Docket No. (None) :

This is a decision on the petition filed on 6 January, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers mailed on 12 February, 2010, with reply due absent extension of time on or before 12 April, 2010.

The application went abandoned by operation of law after midnight 12 April, 2010.

The Office mailed the Notice of Abandonment on 2 November, 2010.

On 6 January, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), with a reply in the form of drawings, surcharge, and made the statement of unintentional delay. (Petitioner also filed a terminal disclaimer, which was not required, but did not submit a fee for the disclaimer.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[3]))

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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Larry Golden
522 Peach Grove Place
Mauldin SC 29662

MAILED

FEB 02 2011

OFFICE OF PETITIONS

In re Application of :
Golden :
Application No. 12/657,356 :
Filed: January 20, 2010 :
For: MULTI SENSOR DETECTION, :
STALL TO STOP AND LOCK :
DISABLING SYSTEM :

DECISION ON PETITION

This decision is in response to renewed petition filed September 23, 2010 to accord the above-identified application a filing date of December 21, 2009. This matter is being treated under 37 CFR 1.53(e)(2) as a petition to accord the application a filing date of December 21, 2009.

The petition is hereby DENIED. This decision is a final agency decision within the meaning of 5 USC 704 for purposing of seeking judicial review. See, MPEP 1002.02.

BACKGROUND

The application papers for the above-identified application were received January 20, 2010. Petitioner asserts entitlement to an earlier filing date of December 21, 2009 on the basis that the application papers were submitted or were intended to be submitted via facsimile on December 21, 2009 on his behalf by attorney Theresa M. Seal.

Petitioner asserts that failure to receive an earlier filing date results in lack of continuity between the instant application and an earlier filed application.

Petitioner further seeks relief pursuant to Rule 60(b), presumably of the Federal Rules of Civil Procedure.

RELEVANT STATUES AND REGULATIONS

35 USC 111(a)(4) provides, in pertinent part, that:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

37 CFR 1.6(d) provides, in pertinent part, that:

> Facsimile transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations: (3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile.

37 CFR 1.8(a)(2)(i)(A) provides, in pertinent part, that 37 CFR 1.8(a)(1) does not apply to, and no benefit will be given to a Certificate of Mailing or Transmission on, the following:

> Relative to Patents and Patent Applications - (A) The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d).

37 CFR 1.53(b) provides that:

> The filing date of an application for patent filed under this section, except for a provisional application under paragraph (c) of this section or a continued prosecution application under paragraph (d) of this section, is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. A continuing application, which may be a continuation, divisional, or continuation-in-part application, may be filed under the conditions specified in 35 U.S.C. 120, 121 or 365(c) and § 1.78(a).

OPINION

The decision on this matter is controlled by 35 USC 111(a)(4) which provides that the filing date of a nonprovisional application shall be the date on which the specification and any required drawing are received in the U.S. Patent and Trademark Office (USPTO).

Applications for patent may be submitted to the United States Patent and Trademark Office by mail, in person, or via the Electronic Filing System. The instant application was filed in accordance with 37 CFR 1.53(b), the specification and drawings of which were received by the USPTO on January 20, 2010.

Receipt of the alleged facsimile transmission of the application papers on December 21, 2009 is not acknowledged as such does not appear in the official record. Even assuming arguendo that the application papers were submitted via facsimile and received via facsimile on December 21, 2009, the application would not be entitled to a filing date of December 21, 2009 as in accordance with 37 CFR 1.8(a)(i)(A), application papers are not given the benefit the of a Certificate of Mailing or Transmission.

As previously stated, petitioner's concern that the instant application may lack continuity with an earlier filed application is appreciated. However, the fact that an earlier filing date is desired to

maintain continuity is not grounds for changing the filing date as by law the application is entitled to a filing date of January 20, 2010, the date upon which the requirements of 37 CFR 1.53(b) were met.

The record establishes that the instant application for patent was filed in accordance with law on January 20, 2010. By law, the instant application simply is not entitled to an earlier filing date.

As to petitioner's request for relief pursuant to Rule 60(b), presumably of the Federal Rules of Civil Procedure, petitioner is advised that the rules of civil procedure are rules that courts of law in the judicial branch of government must follow. The USPTO is an administrative agency within the executive branch of government. Congress has set forth the rules that the USPTO must follow in Title 35 of the United States Code. Rule 60(b) of the Federal Rules of Civil Procedure is inapplicable to the USPTO. Finally, Title 35 of the United States Code does not provide for relief in this situation. Accordingly, the petition is denied.

Petitioner may wish to address any perceived conflict between applicant and prior counsel to the USPTO Office of Enrollment and Discipline. The contact information for the Office of Enrollment and Discipline is as follows:

Phone: 571-272-4097

FAX: 571-273-0074

Address: Mail Stop OED
U.S. Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

CONCLUSION

It is concluded that petitioner has failed to establish entitlement to an earlier filing date of December 21, 2009 as the specification and drawings for the instant application were received by the USPTO on January 20, 2010.

This application is being returned to the Group Art Unit 2612, maintaining a filing date of January 20, 2010.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Director
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.
12/657,420	01/19/2010	Tetsuya Sakakibara	4041J-001612/US	8927

EXAMINER

7590 02/18/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/18/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/657,447	Filing date:	January 21, 2010
First Named Inventor:	Martin Fornage		
Title of the Invention:	METHOD AND APPARATUS FOR CHARACTERIZING A CIRCUIT COUPLED TO AN AC LINE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/021643

The international date of the corresponding PCT application(s) is/are:

January 21, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/657,447
First Named Inventor:	Martin Fornage

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on October 20, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on October 20, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims are no different

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Raymond R. Moser, Jr./	Date November 4, 2010
Name (Print/Typed) Raymond R. Moser, Jr.	Registration Number 34,682

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.
12/657,447	01/21/2010	Martin Fornage	EE027	3541

54698 7590 11/30/2010

RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY, NJ 07702

EXAMINER	
FUREMAN, JARED	
ART UNIT	PAPER NUMBER
2836	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

In re Application of
FORNAGE et al.
Application No.: 12/657,447 : **DECISION ON REQUEST TO**
Filed: 21 January 2010 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: EE027 : **PROSECUTION HIGHWAY**
For: METHOD AND APPARATUS FOR : **PROGRAM AND PETITION**
CHARACTERIZING A CIRCUIT : **TO MAKE SPECIAL UNDER**
COUPLED TO AN AC LINE : **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 05 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Craig Mackenzie
40 West Illiana Street
Orlanddo FL 32806

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Craig Mackenzie :
Application No. 12/657,468 : ON PETITION
Filed: January 21, 2010 :
Attorney Docket No. **EV0030-US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 27, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed February 16, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 17, 2010.

The petition is hereby **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1)

As to item (1)

The petition does not satisfy item (1) in that the drawings filed concurrently with the instant petition lack the labeling "Replacement Sheet" for compliance with 37 CFR 1.84(c) and 37 CFR 1.121(d) required by the Notice. Therefore, this application can not be granted until the item noted above is corrected.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b).**" This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Craig Mackenzie
40 West Illiana Street
Orlanddo FL 32806

MAILED

NOV 02 2011

OFFICE OF PETITIONS

In re Application of :
Craig Mackenzie :
Application No. 12/657,468 : ON PETITION
Filed: January 21, 2010 :
Attorney Docket No. **EV0030-US** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2011[1], to revive the above-identified application.

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. Paul J. Ditmyer appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Paul J. Ditmyer desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Paul J. Ditmyer, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed February 16, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 17, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810 (3) a proper statement of unintentional delay.

---

[1] The request for reconsideration had to be filed within two (2) months form the mail date of the decision of May 16, 2011. Accordingly, the renewed petition was due on July 16, 2011. However, extensions of time under 37 CFR 1.136(a) are permitted. Therefore, since petitioner has submitted a three (3) months extension of time and a Certificate of Mailing of October 13, 2011, with the instant renewed petition, the renewed petition is considered to be timely filed.

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.

A renewed petition is not required a petition fee if the fee has been previously paid. Therefore, since the petition fee was previously paid on April 27, 2011, the fee of $930 submitted with the instant renewed petition is unnecessary. Petitioner may request a refund of the $930 petition fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Paul J. Ditmyer
3469 Deer Oak Circle
Oviedo, FL 32766

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.
12/657,478	01/20/2010	Keijiro Shiode	81287/JPW/SS	7937

7590 08/02/2011

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

EXAMINER	
ART UNIT	PAPER NUMBER
1771	
MAIL DATE	DELIVERY MODE
08/02/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

BERENATO & WHITE, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Christopher Farrell : DECISION ON PETITION
Application No. 12/657,488 :
Filed: January 20, 2010 :
Atty Docket No. 2619-001-07 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 24, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Application mailed February 12, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application became abandoned on April 13, 2010. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition included the required reply in the form of an executed declaration, late surcharge, and missing filing fees; the petition fee; and the required statement of unintentional delay.

Receipt of the power of attorney and change of address filed September 24, 2010 is acknowledged and made of record.

The application file is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed September 24, 2010.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

MAILED
JUL 21 2011
OFFICE OF PETITIONS

In re Application of	:	
LOFGREN, et al	:	
Application No. 12/657,554	:	DECISION ON PETITION
Filed: January 22, 2010	:	TO WITHDRAW
Attorney Docket No. 760/86	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2011.

The request is **DISMISSED**.

The Request to Withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

According to a review of USPTO records, Gary W. McFarron, Esq. is not the current assignee of the instant application nor is he/she the first named inventor. In this regard, the Office cannot change the correspondence address to the address indicated on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVEN J. SHILTS
8550 FERNDALE STREET
SAN DIEGO, CA 92126

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application of
Steven J. Shilts
Application No. 12/657,594
Filed: January 25, 2010
Attorney Docket No.: VH-905090

ON PETITION

This is a decision in response to the petition, filed November 16, 2010 to withdraw the holding of abandonment under the provisions of 37 CFR 1.181. Alternatively, petitioner requests that the application be revived under the provisions of 37 CFR 1.137(b).

This application was held abandoned for failure to timely respond to Notice to File Corrected Application Papers (Notice) mailed March 2, 2010, which set a one (2) month period for reply. A Notice of Abandonment was mailed on November 12, 2010. In response on November 16, 2010, the present petition was filed.

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **DISMISSED**.

Petitioner argues that a timely reply was mailed via certified mail on April 10, 2010 and requests that the abandonment be withdrawn. In support, petitioner has submitted a copy of the certified mail receipt and the replacement drawings.

A review of the file record does not include the originally submitted drawings. Further, the evidence submitted cannot be accepted as there is no showing that the correspondence required to be filed in the U.S. Patent and Trademark Office was filed pursuant to 37 CFR 1.8 or 1.10. Accordingly, the request to withdraw the holding of abandonment for the failure to timely file a reply to the Notice of March 2, 2010 cannot be granted.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Accordingly, the petition to revive the application under 37 CFR 1.137(b) is **GRANTED**.

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawings provided November 16, 2010.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLARQUIST SPARKMAN LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

MAILED

FEB 22 2012

OFFICE OF PETITIONS

In re Application of	:	DECISION
Yang, et al.	:	ON PETITION
Application No. 12/657,805	:	
Filed: January 27, 2010	:	
Attorney Docket Number: 6500-81598-02	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed January 27, 2010, 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 2882 for examination in due course.

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

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.
12/657,823	01/28/2010	Ryohei Matsui	4041J-001649	4675

27572 7590 10/11/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
BALAOING, ARIEL A	

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
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of
MATSUI et al.
Application No.: 12/657,823
Filed: 28 January 2010
Attorney Docket No.: 4041J-001649
For: TERMINAL APPARATUS AND COMMUNICATION SYSTEM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 26 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Beirne Maynard & Parsons, L.L.P.
1300 Post Oak Blvd
Suite 2500
Houston TX 77056

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of :
RASHALL, RICHARD J. : DECISION ON PETITION
Application No. 12/657,828 :
Filed: 01/28/2010 :
Attorney Docket No. 090795 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 30, 2010, and re-submitted on February 28, 2011, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed February 22, 2010, which set a two-month extendable period to reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 23, 2010. A Notice of Abandonment was mailed on November 3, 2010.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/657,866	01/29/2010	Joy Eling	12397-193	2725

757 7590 08/29/2011

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
PIERCE, WILLIAM M	

ART UNIT	PAPER NUMBER
3711	

MAIL DATE	DELIVERY MODE
08/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 08292011

Joseph F. Hetz
Brinks Hofer Gilson & Lione
P.O. BOX 10395
Chicago, Illinois 60610

In re Application of:
Eling et al
Application No.12657866
Filed: January 29, 2010
For: Bowling Lane with Mural Image

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. ∋ 1.84(a)(2), filed January 29, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified will be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. ∋ 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. ∋ 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and 3 (three) sets of color drawings of the figures. The specification before paragraph 6 will contain the required notification described above.

The petition is **GRANTED**.

The application file is being forwarded to Central files to await examination based upon its filing date.

/Gene Kim/
Supervisory Patent Examiner, Art Unit 3711

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 24 2010

OFFICE OF PETITIONS

WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

In re Application of :
Declan G. Depoar :
Application No. 12/657,999 : DECISION ON PETITION
Filed: January 30, 2009 :
Attorney Docket No. 672168.OO57 :

CORRECTED DECISION[1]

This is a decision on the petition filed March 3, 2010, requesting a corrected filing date under 37 CFR 1.10 (c), of January 30, 2010, instead of the presently accorded filing date of February 2, 2010. The petition is treated under 37 CFR 1.10(d).

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service on January 30, 2010, pursuant to the requirements of 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail service on January 30, 2009. Amongst the evidence provided is the Express Mail Customer label with a copy of the USPS Track and Confirm information from the USPS website that indicates express mail package EV615171382US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was processed January 30, 2010.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service was January 30, 2010 and therein, the application is entitled to a filing date of January 30, 2010.

It should be noted however that this application is being treated as a petition under 37 CFR 1.10(d) and not 37 CFR 1.10(c) because the copy of the express mail label does not in fact indicate a "date-in" of January 30, 2010. In fact, the "date-in" section is blank and thus, the package was received by the USPTO on February 2, 2010 and properly

[1]The decision mailed May 6, 2010 has been vacated and replaced with this decision.

given a filing date of February 2, 2010. The error in the filing date was not occasioned by the USPTO and instead it was postal service error.

The petition is **GRANTED**. In view thereof, no petition fee is due and none has been charged.

This matter is being referred to the Office of Patent Application Processing for correction of the filing date to January 30, 2010 and not February 2, 2010, and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH, VA 23462

MAILED
MAY 04 2011
OFFICE OF PETITIONS

Applicant: DeClan G. DePaor
Appl. No.: 12/657,999
Filing Date: January 30, 2010
Title: PROJECTION SYSTEM
Attorney Docket No.: 672168.0057
Pub. No.: US 2010/0220296 A1
Pub. Date: September 2, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 20, 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 the name of the inventor "DeClan G. Depaor" was misprinted as "DeClan G. DePoar".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor wherein on the front page of the publication the name of the inventor "DeClan G. DePaor" was misprinted as "DeClan G, Depoar" is not a material Office error under 37 CFR 1.221(b). The inventors name was improperly printed as it appears in the transmittal letter filed with the application on February 2, 2010. An error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On February 24, 2010 and May 24, 2010, Filing Receipts were mailed by the Office, which improperly listed the inventors name as it appears in the transmittal letter. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Oliver W. Gamble
436 East 75th Street
New York, NY 10021

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of Gamble :
Application No. 12/658,000 :
Filing Date: February 1, 2010 :
For: Method and System for Flexible Selective Broadcasting of Instructions to Targeted Electronic Devices Using Market Drive Metrics :

Decision on Petition

This is a decision on the petition filed November 29, 2010, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. The request does not need to be accompanied by payment of any fee. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Background

The application was filed February 1, 2010.

The Office mailed a filing receipt and a Notice to File Corrected Application Papers on February 24, 2010. A copy of both documents is attached.

The February 24, 2010 notice set a two-month extendable period for reply. Neither a reply nor an extension of time was received in response to the notice. As a result, the application became abandoned on Tuesday, April 27, 2010.

The Office mailed a Notice of Abandonment on November 24, 2010.

The instant petition was filed November 29, 2010.

Discussion

Petitioner asserts the February 24, 2010 notice was never received.

Petitioner asserts, since he would have replied to the notice if he had received it, the fact he did not file a reply to the notice is evidence the notice was never received.

In the absence of any irregularity in the mailing of a notice, there is a strong presumption that the notice was properly mailed and delivered to the address of record. In order to overcome this presumption, a petition must establish the probability the notice was lost after receipt at the address of record is less than the probability the notice was lost prior to being delivered to the address of record.

The current record fails to discuss how mail is handled at the address of record, if mail related to the instant application is kept in one location, whether or not a search of such a location has been performed, and the extent to which mail from the Office has, nor has not, been received in other cases.

The February 24, 2010 notice was (or should have been) mailed with the filing receipt. Petitioner does not discuss the filing receipt. As a result, the Office does not know whether or not Petitioner is alleging:

1. Neither the filing receipt nor the notice was received, or
2. The filing receipt was received and the notice was not received with the receipt.

In view of the prior discussion, the petition cannot be granted.

Although the instant record is insufficient to establish non-receipt of the notice, Petitioner may file a request for reconsideration with additional information.

Petitioner should ensure any request for reconsideration fully discusses *all* actions that would have been taken *if* the notice had been received. When possible, a copy of documentation demonstrating an action was not taken should be supplied. Petitioner should also ensure the request for reconsideration addresses the following questions:

(1) Would the notice have been placed in a specific location such as a file being kept for all matters involving the application? If yes, has petitioner searched the location/file to ensure the notice is not present?

(2) Upon receipt of the Office action, would a written entry have been made in one or more locations? For example, would an entry have been made on the outside of a file? Would an entry have been made on a calendar in order to ensure the due date for responding to the Office action would not be missed? A copy of any papers where the Office action would have been entered if the Office action had been received should be supplied to the Office.

(3) Upon receipt of the Office action, would any electronic records have been made or altered? For example, would an entry have been made into a docketing system or electronic calendar in order to ensure the due date to respond to the Office action would not be missed? A copy of a print-out of all papers where the Office action would have been entered if the Office action had been received should be supplied to the Office.

(4) To what extent has Petitioner received, or failed to receive, correspondence from the Office with respect to other matters?

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attachments: Filing Receipt mailed February 24, 2010
Notice to File Corrected Application Papers mailed February 24, 2010

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

UNITED STATES PATENT AND TRADEMARK OFFICE

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
12/658,000	02/01/2010	Oliver Gamble	

CONFIRMATION NO. 5285

Oliver W. Gamble
436 East 75th Street
New York, NY 10021

FORMALITIES LETTER

OC000000040204502

Date Mailed: 02/24/2010

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The specification contains drawings or flow diagrams (37 CFR 1.58(a)) on page(s) 8-10, 20, 22-24, 27-32, 36. Drawings or flow diagrams cannot be embedded in the specification and should be submitted separately in accordance with 37 CFR 1.84. (Both a substitute specification in compliance with 37 CFR 1.125 and new drawings in compliance with 37 CFR 1.84 and 1.121(d) are required).
- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The specification contains drawings or flow diagrams (37 CFR 1.58(a)).
- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the citizenship of each inventor.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/cvorachack/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/658,000	02/01/2010	2447	545		12	2

CONFIRMATION NO. 5285

Oliver W. Gamble
436 East 75th Street
New York, NY 10021

FILING RECEIPT

Date Mailed: 02/24/2010

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)

Oliver Gamble, New York, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 09/803,257 03/09/2001 PAT 7,194,072
and is a CIP of 09/552,711 04/19/2000 PAT 7,068,776

Foreign Applications

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 02/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/658,000**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Method and system for flexible selective broadcasting of instructions to targeted electronic devices using market driven metrics

Preliminary Class

709

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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Oliver W. Gamble
436 East 75th Street
New York, NY 10021

MAILED

APR 21 2011

OFFICE OF PETITIONS

In re Application of Gamble :
Application No. 12/658,000 :
Filing Date: February 1, 2010 :
For: Method and System for Flexible Selective Broadcasting of Instructions to Targeted Electronic Devices Using Market Drive Metrics : Decision on Petition

This is a decision on the renewed petition to withdraw the holding of abandonment filed under 37 CFR 1.181 on March 30, 2011.

The petition is granted.

The application was filed February 1, 2010. The Office mailed a Notice to File Corrected Application Papers on February 24, 2010. The February 24, 2010 notice set a two-month extendable period for reply. Neither a reply nor an extension of time was received in response to the notice. As a result, the application became abandoned on Tuesday, April 27, 2010. The Office mailed a Notice of Abandonment on November 24, 2010.

Petitioner has established non-receipt of the February 24, 2010 notice. Therefore, the holding of abandonment is hereby withdrawn.

The Office of Patent Application Processing will be informed of the instant decision and the application will be further processed in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD F. JAWORSKI
COOPER & DUNHAM LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of
Boo-Sung Hwang
Application No. 12/658,011
Filed: February 1, 2010
Attorney Docket No. 6342/81327

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration, surcharge fee and abstract; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed February 23, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Richard F. Jaworski
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York NY 10112

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
Boo-Sung Hwang :
Application No. 12/658,011 : DECISION ON PETITION
Filed: February 1, 2010 : TO WITHDRAW
Attorney Docket No. 6342/81327 : 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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/658,011	02/01/2010	Boo-Sung Hwang	6342/81327

CONFIRMATION NO. 4235

RICHARD F. JAWORSKI
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, NY 10112

POWER OF ATTORNEY NOTICE

OC000000048697862

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

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

OCT 26 2010

OFFICE OF PETITIONS

In re Application Of:	:	
Daniel Davidson Macfarlane	:	
Shearer III and Michael J.	:	DECISION ON
Seals	:	PETITION
Application No. 12/658,033	:	PURSUANT TO
Filed: January 29, 2010	:	37 C.F.R. § 1.47(b)
Attorney Docket No. 088245-2771	:	
Title: CARRIER TRACKING CIRCUIT AND METHOD INCLUDING DUAL NUMERICALLY CONTROLLED OSCILLATORS AND FEEDFORWARD PHASE CORRECTION COEFFICIENT	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(b), filed on March 24, 2010.

This petition is **GRANTED**.

On Janaury 26, 2010, this reissue application was filed, identifying Daniel Davidson Macfarlane Shearer III and Michael J. Seals as the joint inventors. The reissue application was deposited without an executed oath or declaration. On February 12, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" was mailed, indicating, *inter alia*, that an executed declaration was required, along with the surcharge associated with the late filing of the same.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

(1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);

(2) the surcharge as set forth in 37 C.F.R. § 1.16(f), if the petition is not filed at the time of filing the application;
(3) a statement of the last known address of each non-signing inventor;
(4) proof that either:
    (a) a copy of the application was sent or given to each non-signing inventor for review and proof that each non-signing inventor refused to sign, or;
    (b) proof that diligent efforts have been made to locate each non-signing inventor;
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

With this petition, Petitioner has included, *inter alia*, the petition fee, a reissue declaration that has been executed by a representative of the Assignee along with the surcharge that is associated with the late submission of the same, the last known address of each non-signing joint inventor,[1] a statement that establishes that the two non-signing joint inventors have each received a copy of the reissue application and that they have refused to execute the included reissue declaration,[2] proof that the Rule 47(b) Applicant has sufficient proprietary interest in the subject matter to justify the filing of the reissue application,[3] proof of irreparable damage,[4] a reissue declaration that has been executed by a representative of the Assignee on behalf of the non-signing joint inventors, and the a statement of the written consent of the Assignee.

Consequently, requirements (1) - (7) of Rule 1.47(b) have been satisfied.

The above-identified reissue application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(b). This reissue application is hereby accorded Rule 1.47 status.

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1 Petition, page 3, paragraphs 12-13.
2 Petition, page 2, paragraphs 8-10. See also exhibits F, G, and H.
3 Statement under 37 C.F.R. § 3.73(b).
4 Petition, page 3, final paragraph.

As provided in Rule § 1.47, the Office of Petitions will forward notice of this reissue application's filing to the non-signing inventors at the address that appears on the reissue declaration. Notice of the filing of this reissue application will also be published in the *Official Gazette*.

The Technology Center will be notified of this decision, and jurisdiction over this reissue application is transferred to the Technology Center, so that the reissue application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the present reissue application can receive further processing in due course.

Telephone inquiries **regarding this decision** should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[5]

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

10/20/10
Kenpet8/

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Daniel Davidson Macfarlane Shearer III
11652 E Del Timbre Dr.
Scottsdale, AZ 85259

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application Of:	:	
Daniel Davidson Macfarlane Shearer	:	
III and Michael J. Seals	:	
Application No. 12/658,033	:	
Filed: January 29, 2010	:	
Attorney Docket No. 088245-2771	:	LETTER
Title: CARRIER TRACKING CIRCUIT AND	:	
METHOD INCLUDING DUAL NUMERICALLY	:	
CONTROLLED OSCILLATORS AND	:	
FEEDFORWARD PHASE CORRECTION	:	
COEFFICIENT	:	

Dear Mr. Shearer:

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 C.F.R. § 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 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Senior Attorney Paul Shanoski at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or at 1-800-972-6382 (outside the Washington D.C. area).

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

cc: FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

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OCT 26 2010
OFFICE OF PETITIONS

Michael J. Seals
3870 Shady Run Road
Melbourne, FL 32934

In re Application Of:	:	
Daniel Davidson Macfarlane Shearer III and Michael J. Seals	:	
Application No. 12/658,033	:	
Filed: January 29, 2010	:	
Attorney Docket No. 088245-2771	:	LETTER
Title: CARRIER TRACKING CIRCUIT AND METHOD INCLUDING DUAL NUMERICALLY CONTROLLED OSCILLATORS AND FEEDFORWARD PHASE CORRECTION COEFFICIENT	:	

Dear Mr. Seals:

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 C.F.R. § 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 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would

entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Senior Attorney Paul Shanoski at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or at 1-800-972-6382 (outside the Washington D.C. area).

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

cc: FOLEY & LARDNER LLP
150 EAST GILMAN STREET
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MADISON WI 53701-1497

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FRANK J. BONINI, JR.
86 THE COMMONS AT VALLEY FORGE EAST
1288 VALLEY FORGE ROAD
POST OFFICE BOX 750
VALLEY FORGE PA 19482-0750

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SEP 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Mortimer et al.	:	
Application No. 12/658,085	:	DECISION GRANTING
Filed: February 2, 2010	:	PETITION
Attorney Docket No. B-7435	:	

This is a decision on the petition filed June 28, 2010, requesting that the above-identified application be accorded a filing date of February 2, 2010. Currently, the filing date of February 1, 2010 has been assigned. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the filing date on the basis that the application was purportedly deposited with Express Mail Service on February 2, 2010, pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of Express Mail label No. (ER 281544345 US) showing the "date in" entry date of February 2, 2010. The same Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated February 2, 2010 on page four of the Utility Patent Application Transmittal application papers.

To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on February 2, 2010, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on February 2, 2010, at 4:31 p.m. at the Valley Forge, PA USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on February 2, 2010. Accordingly, the instant application is entitled to a filing date of February 2, 2010 and has been so accorded.

In view of the above, the petition is **GRANTED**.

This matter is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to February 2, 2010 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Joan Olszewski at (571) 272-7751. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/658,145	02/03/2010	Hideo Miyauchi	4041J-001640/US	4017

7590 05/31/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
05/31/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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TED M. ANTHONY
BABINEAUX, POCHE, ANTHONY & SLAVICH, L.L.C
P.O. DRAWER 52169
LAFAYETTE LA 70505-2169

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Baker et al. :
Application No. 12/658,199 : DECISION ON PETITION
Filed: 02/04/2010 :
Attorney Docket No. 3591.1250 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed October 27, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 28, 2011. A Notice of Abandonment was mailed on August 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3674 for appropriate action by the Examiner on the reply received on August 2, 2011.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
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ALEXANDRIA, VA 22313-1450

Date : 3/5/2012
Patent No. : 8,021,641 B2
Serial No. : 12/658,204
Inventor(s) : Curtis et al.
Issue Date : September 20, 2011
Title : **METHODS OF MAKING COPPER SELENIUM PRECURSOR COMPOSITIONS WITH A TARGETED COPPER SELENIDE CONTENT AND PRECURSOR COMPOSITIONS AND THIN FILMS RESULTING THEREFROM**
File No. : **409.1.021**

Re: Consideration for Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error in your request, the alleged error in column 8, line 4, comparison of the printed patent with the corresponding location in the application file reveals that there is no discrepancy in that location as noted. Therefore no correction is in order here.

In view of the foregoing, your request is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (571) 572-3385
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

Allen R. Kipnes,
WATOV & KIPNES, P.C.
P.O. Box 247
Princeton Junction NJ 08550

ECW

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/658,209	Filing date:	February 4, 2010
First Named Inventor:	W. Anthony Mason		
Title of the Invention:	METHODS AND SYSTEMS FOR DATA STORAGE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/000317

The international date of the corresponding PCT application(s) is/are: February 4, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached (Accompanying Information Disclosure Statement)

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/658,209
First Named Inventor:	W. Anthony Mason

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims are substantially identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date August 13, 2010
Name (Print/Typed) Christopher G. Wolfe	Registration Number 56,264

CLAIMS

We claim:

1. A system for remote storage of data, the system comprising:

a processor circuit comprising at least one processor;

a local data storage device in electronic communication with the processor circuit, wherein the local data storage device comprises:

a local block map, wherein the local block map comprises a plurality of mappings, wherein each mapping maps an identifier of a data block to a corresponding content address; and

a log-structured local data storage comprising data units organized by content address; and

a memory circuit operatively associated with the processor circuit, wherein the memory circuit comprises instructions that, when executed by the processor circuit, cause the processor circuit to:

receive an electronic write request from an application, wherein the write request comprises an identifier of a first data block and a value for the first data block;

derive a content address of the first data block considering the value for the first data block;

write a mapping to a logical end of the local block map, wherein the mapping maps the identifier of the first data block to the content address;

write the mapping to a remote block map;

determine if the content address is present at the local data storage;

conditioned upon the content address not being present at the local data storage:

write the value of the first data block to the local storage at a first location; and

write to the local storage metadata associating the content address with the first location.

2. The system of claim 1, wherein the plurality of mappings are logically arranged in the local block map in chronological order based on when each mapping was written to the local block map.

3. The system of claim 1, wherein deriving the content address comprises applying a hash algorithm to the value for the first data block.

4. The system of claim 3, wherein the hash algorithm is selected from the group consisting of SHA-0, SHA-1, SHA-2, SHA-3 and MD5.

5. The system of claim 1, wherein the first data block is at least one size selected from the group consisting of 512 bytes, 520 bytes, 1024 bytes, 2048 bytes and 4096 bytes.

6. The system of claim 1, wherein the local block map is organized according to a log-structured format.

7. The system of claim 1, wherein the remote block map is organized according to a log-structured format.

8. The system of claim 1, further comprising marking the mapping as un-pushed when a remote data storage comprising the remote block data map is unavailable.

9. The system of claim 1, wherein the memory circuit further comprises instructions that, when executed by the processor circuit, cause the processor circuit to, conditioned upon the content address not being present at the local data storage:

determine whether the content address is present at a remote storage;

write the value of the first data block to the remote storage at a first location; and

write to the remote storage metadata associating the content address with the first location.

10. A method for remote storage of data, the method comprising:

receiving an electronic write request from an application, wherein the write request comprises an identifier of a first data block and a value for the first data block;

deriving a content address of the first data block considering the value for the first data block;

writing a mapping to a logical end of a local block map, wherein the mapping maps the identifier of the first data block to the content address, wherein the local block map comprises a plurality of mappings, wherein each of the plurality of mappings maps an identifier of a data block to a corresponding content address;

writing the mapping to a remote block map;

determining if the content address is present at a local data storage, wherein the local data storage is log-structured and comprises data units organized by content address;

conditioned upon the content address not being present at the local data storage:

writing the value of the first data block to the local storage at a first location; and

writing to the local storage metadata associating the content address with the first location.

11. A portable data storage device for re-creating a client device on a computer machine, the device comprising a computer readable medium having written thereon:

a local block map, wherein the local block map comprises a plurality of mappings, wherein each mapping maps an identifier of a data block to a corresponding content address;

a log-structured local data storage comprising data units organized by content address; and

instructions that, when executed by a processor circuit, cause the processor circuit to:

receive an electronic write request from an application, wherein the write request comprises an identifier of a first data block and a value for the first data block;

derive a content address of the first data block considering the value for the first data block;

write a mapping to a logical end of the local block map, wherein the mapping maps the identifier of the first data block with the content address;

write the mapping to a remote block map;

determine if the content address is present at the local data storage;

conditioned upon the content address not being present at the local data storage:

write the value of the first data block to the local storage at a first location; and

write to the local storage metadata associating the content address with the first location.

12. A computer readable medium comprising instructions thereon that, when executed by at least one processor, cause the at least one processor to:

upon receipt of a write request comprising an identifier of a data block and a value of the data block, derive a content address for the data block based on the value of the data block;

update a local block map to associate the identifier with the content address;

update a remote block map to associate the identifier with the content address;

determine whether a log-structured local data log comprises the content address;

conditioned upon the local data log not comprising the content address:

write the value of the data block to the local data log at a first location; and

write to the local data log metadata associating the content address with the first location;

determine whether a remote data log comprises the content address;

conditioned upon the remote data log not comprising the content address:

write the value of the data block to the remote data log at a first remote location; and

write to the remote data log metadata associating the content address with the first remote location.

13. The computer readable medium of claim 12, wherein the remote data log is log-structured.

14. The computer readable medium of claim 12, wherein the remote data log is organized according to at least one of a hierarchal storage structure and an indexed storage structure.

15. The computer readable medium of claim 12, wherein updating the local block map comprises writing a mapping to a logical end of the local block log, wherein the mapping maps the identifier of the data block with the content address.

16. The computer readable medium of claim 12, wherein updating the remote block map comprises writing a mapping to a logical end of the remote block log, wherein the mapping maps the identifier of the data block with the content address.

17. A computer system comprising:

a processor circuit comprising at least one processor;

a local data storage device in electronic communication with the processor circuit, wherein the local data storage device comprises:

a local block map, wherein the local block map comprises a plurality of mappings, wherein each mapping maps an identifier of a data block to a corresponding content address; and

a log-structured local data storage comprising data units organized by content address; and

a memory circuit operatively associated with the processor circuit, wherein the memory circuit comprises instructions that, when executed by the processor circuit, cause the processor circuit to:

receive an electronic read request from an application, wherein the read request comprises an identifier of a first data block;

determine if the local block map comprises a content address associated with the identifier of the first data block;

conditioned upon the local block map comprising a content address associated with the identifier of the first data block, retrieving the content address from the local block map;

conditioned upon the local block map not comprising the content address, retrieving the content address from a remote block map;

determine whether the content address appears in the local data storage;

conditioned upon the content address appearing in the local data storage, retrieving a value associated with the content address in the local storage and returning the value to the application as a value for the first data block; and

conditioned upon the content address not appearing in the local data storage, retrieving a value associated with the content address in the remote storage and returning the value to the application as an identifier of a value for the first data block.

18. The system of claim 17, wherein the memory circuit comprises instructions that, when executed by the processor circuit, cause the processor circuit to, conditioned upon the content address not appearing in the local data storage, write the value associated with the content address in the remote storage to the local data storage.

19. The system of claim 17, wherein the plurality of mappings are logically arranged in the local block map in chronological order based on when each mapping was written to the local block map.

20. A computer-implemented method comprising:

receiving by a processor circuit an electronic read request from an application, wherein the read request comprises an identifier of a first data block, and wherein the processor circuit comprises at least one processor and is in communication with a local data storage;

determining by the processor circuit if a local block map at the local data storage comprises a content address associated with the identifier of the first data block;

conditioned upon the local block map comprising a content address associated with the identifier of the first data block, retrieving the content address from the local block map by the processor circuit;

conditioned upon the local block map not comprising the content address, retrieving the content address from a remote block map by the processor circuit;

determining by the processor circuit whether the content address appears in the local data storage;

conditioned upon the content address appearing in the local data storage, retrieving by the processor circuit a value associated with the content address in the local data storage and returning the value to the application as a value for the first data block; and

conditioned upon the content address not appearing in the local data storage, retrieving a value associated with the content address in the remote storage and returning the value to the application as an identifier of a value for the first data block.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/658,209	02/04/2010	W. Anthony Mason	090049	3888

26285 7590 10/04/2010
K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER	
ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
10/04/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of: MASON et al.
Application No. 12/658,209
Atty Docket #: 090049
Filed: February 4, 2010
For: **METHODS AND SYSTEMS FOR DATA STORAGE**

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 August 13, 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 national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (l)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:
   a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/658,217	02/04/2010	Mike FARNETH	909_053 NP	9437

25191 7590 01/20/2012

BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

EXAMINER	
BRAINARD, TIMOTHY A	
ART UNIT	PAPER NUMBER
3662	
MAIL DATE	DELIVERY MODE
01/20/2012	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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JAN 2 0 2012

In re Application of : DECISION ON PETITION
Mike Farneth et al :
SERIAL NO.: 12/658,217 :
FILED: February 4, 2010 :
FOR: CONDUCTIVE LINE COMMUNICATION APPARATUS AND CONDUCTIVE LINE RADAR SYSTEM AND METHOD

This is a decision on the request filed February 4, 2010 to waive the requirements of 37 CFR 1.84(a) so as to permit the application to include a color drawing. Applicant has shown that the use of color is an essential element in the representation of the drawing.

Petition Granted.

/Thomas H. Tarcza/
Thomas H. Tarcza
SPE, Art Unit 3662
571-272-6979

BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

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G. TURNER MOLLER, JR.
711 NORTH CARANCAHUA
SUITE 720
CORPUS CHRISTI, TX 78475

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of

Jimmy R. Stover
Application No. 12/658,261
Filed: February 12, 2010
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 26, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3653 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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LLOYD G. BUCHANAN
86 DEER MEADOW COURT
SAINT PETERS MO 63304

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
Michael Franklin Keck et al. :
Application No. 12/658,296 : ON PETITION
Filed: February 9, 2010 :
Title of Invention: TAIL GATE COVERING :
FOR A DUMP TRUCK

This is a decision on the petition filed February 10, 2011, to revive the above identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

At the outset, a review of the record indicates that a revocation and power of attorney has been filed on behalf of inventors Michael Franklin Keck and Kenneth P. Peters however, is only signed by inventor Keck. Additionally, the petition is only signed by inventor Keck.

Because the revocation and the petition to revive the instant application are filed by only one inventor and is not signed by both inventors, neither can not be addressed on the merits.

The Office will allow for dual representation of inventors however, before the Office will allow for the application to be prosecuted at least a petition under 37 CFR 1.182 and fee, directed to the Office of Petitions, for acceptance of a power of attorney by less than all the applicants in the above-identified application will need to be filed.

All parties are reminded however that dual correspondence is not permitted, and will not be undertaken by the PTO and thus, the parties will need to coordinate and identify a correspondence address and who will also be responsible for coordinating replies or submissions to the PTO. See MPEP 402.10.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
MICHAEL KECK
2429 BLENDON PLACE
ST. LOUIS, MO 63143

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MAILED
SEP 14 2011
OFFICE OF PETITIONS

MICHAEL KECK
2429 BLENDON PLACE
ST. LOUIS, MO 63143

In re Application of :
Michael Franklin Keck et al. :
Application No. 12/658,296 : ON PETITION
Filed: February 9, 2010 :
Title of Invention: TAIL GATE COVERING :
FOR A DUMP TRUCK

This is a decision on the renewed petition filed September 7, 2011 to revive the above identified application under 37 CFR 1.137(b).

The petition is **GRANTED**.

The instant application became abandoned on May 12, 2010, for failure to timely reply to the Notice to File Missing Parts, mailed March 11, 2010, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed November 23, 2010. A Petition to Revive under 37 CFR 1.137(b) was filed February 10, 2011 and was dismissed in a decision mailed March 25, 2011 because in addition to the petition, a revocation and power of attorney was filed on behalf of inventors Michael Franklin Keck and Kenneth P. Peters however, both were only filed by joint inventor Keck but not by joint inventor Peters.

The response to the Notice to File Missing Parts mailed March 11, 2010 is acknowledged as having been filed on February 10, 2011,

All other requirements having been met , the application is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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MAILED

SEP 26 2011

OFFICE OF PETITIONS

Mr. Loyal M. Hanson
Hanson Law Corporation
P.O. Box 430
Fallbrook, CA 92088-0430

In re Application of	:	
Richard Alexander Olson et al.	:	
Application No. 12/658,304	:	DECISION ON PETITION
Filed: February 5, 2010	:	TO WITHDRAW
Attorney Docket No. 1416	:	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 22, 2011.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Hanson Law Corporation, has been revoked by the assignee of the patent application on August 22, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Sheppard, Mullin, Richter & Hampton, LLP
12275 El Camino Real, Suite 200
San Diego, CA 92130

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/658,304	02/05/2010	Richard Alexander Olson	1416

CONFIRMATION NO. 1418

Mr. Loyal M. Hanson
Hanson Law Corporation
P.O. Box 430
Fallbrook, CA 92088-0430

POWER OF ATTORNEY NOTICE

OC000000049588909

Date Mailed: 08/30/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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.
12/658,325	02/09/2010	Reiner Eschbach	20080608QUSNP/121782.2411	4917

75313 7590 11/29/2011

PEPPER HAMILTON LLP
500 GRANT STREET
ONE MELLON CENTER, 50TH FLOOR
PITTSBURGH, PA 15219

EXAMINER	
GRABOWSKI, KYLE ROBERT	
ART UNIT	**PAPER NUMBER**
3725	

MAIL DATE	DELIVERY MODE
11/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Pepper Hamilton LLP
500 Grant Street
One Mellon Center, 50th Floor
Pittsburgh, PA 15219

In re Application of: Method and System of Printing a Scratch-off Document
Appl. No.: 12/658325

DECISION ON PETITION

Filed: 04/06/10
For: Color Drawing Request

This is a decision on the petition filed on 04/06/10 by which petitioners request acceptance of color drawings. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is DENIED.

Review of the application and of the claims shows that color drawings are not the only practical medium by which to disclose the subject matter sought. The current drawings, in black and white, suffice to fully disclose the subject matter.

Dana Ross
SPE AU 3725
Technology Center 3700

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THINK THRICE, LLC
18 MOON BEAM DRIVE
MOUNTAIN VIEW CA 94043-1935

MAILED
MAY 04 2011
OFFICE OF PETITIONS

Applicant: Heumann, et al.
Appl. No.: 12/658,357
Filing Date: February 5, 2010
Title: GAME TO ARRANGE GROUPS OF TOKENS SPANNING AN ATTRIBUTE SPACE
Attorney Docket No.: ThinkThrice 701
Pub. No.: US 2010/0207328 A1
Pub. Date: August 19, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 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 citizenship of the second inventor is incorrect and document code "PET.STATUS" should be "PET".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a mistake in the publication caused by the Office. The publication does not list the citizenship for either inventor. The publication lists the residence.

With respect to the document code "PET.STATUS" should be changed to "PET" is not a material Office error under 37 CFR 1.221(b). The coding of the petition is not an error in the publication.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Roy G. Batruni	:	
Application No. 12/658,498	:	DECISION GRANTING PETITION
Filed: February 9, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OPTIP023C1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 2, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 3, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Richard F. Jaworski
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York NY 10112

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
Boo-Sung Hwang :
Application No. 12/658,512 : DECISION ON PETITION
Filed: February 8, 2010 : TO WITHDRAW
Attorney Docket No. 6342/81328 : 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
12/658,512	02/08/2010	Boo-Sung Hwang	6342/81328

CONFIRMATION NO. 9640

Richard F. Jaworski
Cooper & Dunham LLP
30 Rockfeller Plaza
New York, NY 10112

POWER OF ATTORNEY NOTICE

Date Mailed: 07/12/2011

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

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MAILED

MAR 25 2011

OFFICE OF PETITIONS

W. Edward Johansen
1239 Stanford Street, #203
Santas Monica CA 90404

In re Application of :
Machado, et al. : ON PETITION
Application No. 12/658,595 :
Filed: July 1, 2010 :
Attorney Docket No. MACHADO#1

This is a decision on the petition under 37 CFR 1.137(b) filed on February 7, 2011.

The petition is **DISMISSED AS MOOT**.

A review of the application file revealed that a Notice to File Missing Parts of Non-Provisional Application was mailed in this application on September 8, 2010. The notice allowed a shortened period for reply of two months from its mailing date. Extensions of the times set for reply are available pursuant to 37 CFR 1.136(a). The instant petition was filed on February 7, 2011.

This petition is improper because it was filed prematurely as the application is not abandoned. The Notice to File Missing Parts of Non-Provisional Application allowed a shortened period for reply of two months from its mailing date with extensions of time available under 37 CFR 1.136(a). The petition was filed during the extendable period—three additional months after the expiration of the two month period granted. The fee for the extension of time within the third month is $555.00. Petitioner paid $810.00 for the petition fee. Accordingly, the amount of $255.00 will be refunded in due course.

The application file is being directed to the Office of Patent Application Processing for further review.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :
Endou et al. :
Application No. 12/658,612 :
Filed: February 8, 2010 :
Attorney Docket: 55562DIV6(305032) :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2011, to revive the above-identified application.

The petition under 37 CFR 1.137(b) **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts of Nonprovisional Application, which was mailed on April 15, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. A five month extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on November 16, 2010. A Notice of Abandonment was mailed on December 29, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1) a review of the drawings shows they do not meet the requirements of 37 CFR 1.121. When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the

filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

AUG 23 2011

OFFICE OF PETITIONS

In re Application of :
Endou et al. :
Application No. 12/658,612 :
Filed: February 8, 2010 :
Attorney Docket: 55562DIV6(305032) :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts of Nonprovisional Application, which was mailed on April 15, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. A five month extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on November 16, 2010. A Notice of Abandonment was mailed on December 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the replacement drawings (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney
Office of Petitions

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

DEC 0 1 2010

OFFICE OF PETITIONS

In re Application of : DECISION ACCORDING STATUS
French and Thel : UNDER 37 CFR 1.47(a)
Application No. 12/658621 :
Filed: 02/10/2010 :
Title: METHOD AND APPARATUS FOR :
PROVIDING A SEGMENTED BALLAST :
BASE SUPPORT STRUCTURE FOR :
UNSTABLE GROUND INSTALLATION :

This is in response to the petition under 37 CFR 1.47(a) filed May 17, 2010.

The petition under 37 CFR 1.47(a) is **granted**.

Applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor constructively refused to join in the application.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being returned to the Office of Patent Application Processing for pre-examination processing.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Mr. Anton Bogdan Thel
Concrete Systems, Inc.
9 Commercial Street
Hudson, New Hampshire 03051

MAILED
DEC 0 1 2010
OFFICE OF PETITIONS

In re Application of :
French and Thel :
Application No. 12/658621 : LETTER
Filed: 02/10/2010 :
Title: METHOD AND APPARATUS FOR :
PROVIDING A SEGMENTED BALLAST :
BASE SUPPORT STRUCTURE FOR :
UNSTABLE GROUND INSTALLATION :

Dear Mr. Thel:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor. As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. Requests for information regarding your application should be directed to the File Information Unit at 571- 272-3150. Information regarding how to pay for and order a copy of the application or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/658,645	02/11/2010	Steve White	65007/W492	7304

7590 04/25/2011

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER	
TWEEL JR, JOHN ALEXANDER	
ART UNIT	**PAPER NUMBER**
2612	
MAIL DATE	**DELIVERY MODE**
04/25/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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April 25, 2011

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
Steve White et al.	:	**DECISION ON PETITION**
Application No. 12658645	:	
Filed: 2/11/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 65007/W492	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 11, 2010.

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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J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Ching-Hsi Lin et al. :
Application No. 12/658,663 : ON PETITION
Filed: February 11, 2010 :
Attorney Docket No. JCLA32642 :

This is a decision on the petition under 37 CFR 1.182, filed July 15, 2010, to change the name of one of the inventors.

The petition is **GRANTED**.

The name of the inventor has been changed from **Zahariev Dimitrov** to **Dimitre Zahariev Dimitrov**.

A petition fee in the amount of $400 is due as set forth in 37 U.S.C. 1.17(f). As authorized, the remaining balance of $270 will be charged to deposit account number 500710.

The application file is being referred to the Office of Data Managment for further processing.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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JAN 04 2011

OFFICE OF PETITIONS

INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of :
Mark DOCZY. et al :
Application No. 12/658,670 : DECISION ON PETITION
Filed: February 12, 2010 :
Attorney Docket No. P1669303 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 9, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification and replacement drawings; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for further pre-examination processing.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAY R. AKHAVE
2058 N. MILLS AVE., #612
CLAREMONT, CA 91711

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Sumanthkumar R. Mettu :
Application No. 12/658,688 : DECISION ON PETITION
Filed: February 13, 2010 :
Attorney Docket No. 2010-054 :

This is a decision on the petition, filed November 27, 2010, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) of March 9, 2010, which set a two (2) months shortened statutory period for reply. A Notice of Abandonment was mailed on November 22, 2010.

In the "DECLARATION COMPLIANT WITH 37 CFR 1.8(b)," petitioner states that a response was timely filed via Certificate of Mailing on April 1, 2010. Petitioner also states "The response included a certificate of mailing signed by me listing all the enclosed papers on the certificate itself."

Petitioner has submitted a copy of the previously mailed correspondence and copy of the itemized certificate of mailing dated April 1, 2010, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to

be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of March 9, 2010, is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on April 1, 2010.

This application is being referred to Technology Center Art Unit 3781 for appropriate action in the normal course of business on the reply received with petition.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Keith J. Hanna
10 East 53rd Street
33rd Floor
New York NY 10022

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Hanna, et al. :
Application No. 12/658,706 : ON PETITION
Filed: February 16, 2010 :
Attorney Docket No. N/A :
For: MIRROR SYSTEM AND METHOD
FOR ACQUIRING BIOMETRIC DATA

This is a decision on the petition, filed December 10, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party. No additional petition fee will be due when petitioners file a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Keith J. Hanna. Keith J. Hanna has not provided an attorney registration number. Keith J. Hanna has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Keith J. Hanna has not established that he is permitted to file amendments and other papers in this application on his own. It is noted that he is one of four joint inventors.

In any reconsideration petition, applicants are encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Keith J. Hanna's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Keith J. Hanna and in this manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by all four inventors.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: KEITH J. HANNA
P.O. BOX 8279
CAGUAS, PUERTO RICO 00726-8279

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Keith J. Hanna
10 East 53rd Street
33rd Floor
New York NY 10022

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Hanna, et al. :
Application No. 12/658,706 : ON PETITION
Filed: February 16, 2010 :
Attorney Docket No. N/A :
For: MIRROR SYSTEM AND METHOD FOR ACQUIRING BIOMETRIC DATA

This is a decision on the renewed petition, filed March 2, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed March 9, 2010, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on May 10, 2010. A Notice of Abandonment was mailed on November 22, 2010.

Applicant has submitted a proper reply to the March 9, 2010 Notice in the form of a substitute specification, a statement that the substitute specification contains no new matter, and replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the March 9, 2010 Notice, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Applicant has submitted $400.00 with the present renewed petition. No fee other than the $810.00 petition fee is due. A $400.00 treasury check refund will be scheduled shortly.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of :
Hanna et al. :
Application Number: 12/658,706 : DECISION DISMISSING PETITIONS
Filing Date: 02/16/2010 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket Number: 101546-0108 :

This is a decision on the petition filed on December 8, 2011, which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365(c), and 119(e) for the benefit of priority to the prior-filed international and provisional applications set forth in the concurrently-filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. §§ 365(c), 120, and 119(e), after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 365(c), 120, or 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional (or international) applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional or international application. An example of a proper benefit claim is: "This application is a continuation of Application No. PCT/US2010/000001, filed January 1, 2010." A benefit claim that merely states: "This application claims the benefit of Application No. PCT/US2010/000001, filed January 1, 2010," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional or parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) a supplemental Application Data Sheet (ADS) or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

A reply may also be filed via the EFS-Web system of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of	:	
Hanna et al.	:	
Application Number: 12/658,706	:	DECISION GRANTING PETITIONS
Filing Date: 02/16/2010	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket Number: 101546-0108	:	

This is a decision on the renewed petition filed on February 2, 2012, which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365(c), and 119(e) for the benefit of priority to the prior-filed international and provisional applications set forth in the concurrently-filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 365(c), 120, and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, 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.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further,

the international application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120, 365(c), and 119(e) is accepted as being unintentionally delayed.

The rule at 37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120, 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 not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2444 for consideration by the examiner of the claim under 35 U.S.C. §§ 120, 365(c), and 119(e) of the prior-filed international and provisional applications.

/D Wood/
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
Gang Chen, et al.
Application No. 12/658,709
Filed: February 12, 2010
Attorney Docket No. 0050.2143-000

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

MAILED

APR 26 2011

OFFICE OF PETITIONS

In re Application of :
David Friedman et al. :
Application No. 12/658,769 : DECISION ON PETITION
Filed: February 9, 2010 :
Attorney Docket No. 062743-00002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed March 9, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 10, 2010. A Notice of Abandonment was mailed on January 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, oath and declaration, replacement abstract, a surcharge fee of $65, basic filing fee of $165, search fee of $270, examination fee of $110, excess claim fee of $26, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees and oath and declaration, replacement abstract are accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175 extension of time fee submitted on October 18, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account. The Notice of Abandonment mailed on November 22, 2010 notes that a proper abstract is required. An improper reply to the Notice to File Missing parts was received on October 18, 2010 (an abstract), therefore the reply was not timely filed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received January 31, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TIMOTHY S. STEVENS, PATENT ATTORNEY
5108 FOXPOINT CIRCLE
MIDLAND MI 48642

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of :
Gregory P. Marcoe :
Application No. 12/658,831 : DECISION ON PETITION
Filed: February 16, 2010 :
Attorney Docket No. TSS132006CIPD1 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 16, 2011, which will be treated as a petition to withdraw of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 15, 2010. A Notice of Abandonment was mailed June 13, 2011.

Petitioner contends that a response to the Restriction Requirement was timely filed on December 7, 2010, but listed an incorrect application serial number. A review of application number 11/809,760 shows that a response to the Restriction Requirement was timely filed. The response has now been properly matched with the instant application.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The petition to revive under 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Accordingly, the small entity $810.00 petition fee submitted with the 1.137(b) will be refunded via treasury check in due course. Additionally, the unnecessary $70.00 terminal disclaimer fee will also be refunded.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Accordingly, the small entity $810.00 petition fee submitted with the 1.137(b) will be refunded to petitioner via treasury check in due course. Further, petitioner has submitted an unnecessary $70.00 terminal disclaimer fee that will also be

refunded via treasury check in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center AU 3724 for appropriate action in the normal course of business on the reply received December 7, 2010.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED
MAR 22 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Das, et al.	:	ON PETITION
Application No. 12/658,835	:	
Filed: February 16, 2010	:	
Attorney Docket Number: PNK0682US	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 16, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention.

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 2873.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees
Petitions Examiner
Office of Petitions

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HARNESS DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of
Hideyuki Hayakawa et al
Application No.: 12/658,846
Filed: February 16, 2010
Attorney Docket No.: 4041J-001648/US

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 1, 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 Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucc
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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NOV 0 9 2010

OFFICE OF PETITIONS

K&L GATES LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of :
Ronald E. ZIMMERMAN, et al :
Application No. 12/658,852 : DECISION ON PETITION
Filed: February 16, 2010 : TO WITHDRAW
Attorney Docket No. 0362382.00013 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

In this regard, the request to withdraw from record cannot be approved because the request to change the correspondence address is not an assignee of the entire interest who properly became of record under 37 C.F.R 3.71 nor is the correspondence address that of 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 the undersigned at (571) 272- 6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

CC: ELONA BIOTECHNOLOGIES, INC.
1040 SIERRA DRIVE, SUITE 1000
GREENWOOD IN 46143

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

R. Neil Sudol
714 Colorado Avenue
Bridgeport CT 06605-1601

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of :
Mailhot, et al. :
Application No. 12/658,896 : ON PETITION
Filed: February 16, 2010 :
Attorney Docket No. 9-2660 :

This is a decision on the petition, filed May 24, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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R. Neil Sudol
714 Colorado Avenue
Bridgeport CT 06605-1601

MAILED

FEB 18 2011

OFFICE OF PETITIONS

In re Application of
Mailhot, et al.
Application No. 12/658,896
Filed: February 16, 2010
Attorney Docket No. 9-2660

ON PETITION

This is a decision on the renewed petition, filed October 29, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an under a multi-national treaty on March 3, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application under a multi-national treaty

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The application file is being directed to the Office of Patent Application Processing where the previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) will be rescinded in accordance with this decision. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date is forthcoming.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petition

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Jensen et al.	:	
Application No. 12/659019	:	
Filing or 371(c) Date: 02/23/2010	:	
Attorney Docket Number:	:	DECISION
JRL-4010-83	:	ON PETITION

This is a decision on the "Petition Under 37 CFR 1.17(f)," filed April 5, 2010, requesting the above-identified application be accorded a filing date of February 23, 2010, including Figure 11.

The petition is granted.

The application was filed on February 23, 2010. On March 12, 2010, the Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had been accorded a filing; however, Figure 11 described in the specification appeared to have been omitted from the application.

Applicant files the present petition and avers that Figure 11 described in the specification was included among eight sheets of drawings including 15 Figures filed with the application on February 23, 2010. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* 8 sheets of drawings (Figs. 1-15), by this Office on February 23, 2010.

Applicant also notes that the present application incorporated by reference prior application 11/641,960, filed December 20, 2006.

"A postcard 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." MPEP § 503.

Accordingly, the petition is granted.

In view of the above, the Notice was mailed in error and is hereby withdrawn. The issue of the explicit incorporation by reference prior application 11/641,960, filed December 20, 2006, is rendered moot.

A refund of the petition fee has been credited to Petitioner's deposit account.

The copy of Figure 11 filed with the petition will be used for examination purposes.

This application is being forwarded to the Office of Patent Application Processing, Customer Corrections, for further processing,

- an indication that Figure 11 was present on February 23, 2010, using Figure 11 filed with the present petition on April 5, 2010.

Telephone inquiries concerning this matter should be directed to the undersigned at (571-272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Anthony N. Kalloo et al
Application No. 12/659,087
Filed: February 24, 2010
Attorney Docket No. MNL-2784-50

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 15, 2010.

The request is **APPROVED**.

The request was signed by Michelle N. Lester on behalf of the practitioners of record associated with Customer Number 23117.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee The Johns Hopkins University at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: The Johns Hopkins University
100 N. Charles Street, 5th Floor
Baltimore, MD 21201-3894

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/659,087	02/24/2010	Anthony N. Kalloo	MNL-2784-50

CONFIRMATION NO. 2633

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

POWER OF ATTORNEY NOTICE

OC000000044940686

Date Mailed: 12/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/15/2010.

- 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.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/659,087	02/24/2010	Anthony N. Kalloo	MNL-2784-50

CONFIRMATION NO. 2633

The Johns Hopkins University
100 N. Charles Street, 5th Floor
Baltimore, MD 21201-3894

POA ACCEPTANCE LETTER

OC000000044940693

Date Mailed: 12/15/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/15/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JAN 31 2012

OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of : DECISION ON REQUEST TO
Hideaki YAMADA et al. : PARTICIPATE IN PPH PROGRAM
Application No. 12/659,197 : AND PETITION TO MAKE SPECIAL
Filed: February 26, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 01-1997 :
For: SURFACE ACOUSTIC WAVE DEVICE

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 8, 2011 to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1), (4), and (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirements (2), (3), and (5).

Regarding the requirement of condition (2), applicant has failed to submit a copy of the allowable/patentable claims from the JPO application. Whereas applicant asserts that the amended claims correspond to the claims in the JPO application, there is no indication from the JPO that any one claim in the JPO application is allowable.

Regarding the requirement of condition (3), it cannot be determined if requirement (3) has been met since the office action from the JPO does not indicate that there are any allowable claims in the JPO application.

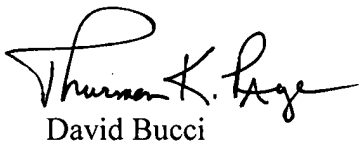
Regarding the requirement of condition (5), it cannot be determined if requirement (5) has been met since the office action from the JPO does not indicate that there are any allowable claims in the JPO application.

Applicant is given **ONE** opportunity with 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 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 Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.



David Bucci
Petitions Examiner
Office of Petitions

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Paper No.

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Randall H. Bell, Joan	:	
Bienvenue, James P. Landers,	:	
John W. Pettit, and Abby	:	
Mackness	:	
Application No. 12/659,251	:	DECISION ON PETITION
Filed: March 2, 2010	:	PURSUANT TO
Attorney Docket No. 141787	:	37 C.F.R. § 1.47(A)
Title: MULTIPLE-SAMPLE	:	
MICROFLUIDIC CHIP FOR DNA	:	
ANALYSIS	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on August 19, 2010.

This petition is **DISMISSED.**

On March 2, 2010, the application was filed, identifying Randall H. Bell, Joan Bienvenue, James P. Landers, John W. Pettit, and Abby Mackness as joint inventors. No oath or declaration was included on filing. On March 19, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing

inventor for review and proof that the non-signing inventor refuses to join in the application or

b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition, Petitioner has included, *inter alia*, a declaration which has been executed by each of the joint inventors save Messrs. Petitt and Landers along with the surcharge associated with the late submission of the same, a statement of the last known address of each non-signing joint inventor, and a statement of facts. Petitioner has further included a three-month extension of time so as to make this submission timely.

The petition fee will be charged to Deposit Account No. 15-0461 in due course, as authorized on the extension of time.

Petitioner has met requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a).

The fourth requirement of 37 C.F.R. § 1.47(a) has been satisfied, as it applies to Mr. Pettit, since Petitioner has established that a complete copy of the application was sent to his last known address, and he did not claim the package.[1]

Regarding the fourth requirement of 37 C.F.R. § 1.47(a) as it applies to Mr. Landers, this requirement has not been satisfied. Petitioner has established that an e-mail was sent to the same, and he has not returned an executed copy of the declaration and assignment documents.[2] Petitioner has asserted that Mr. Landers has refused to execute the declaration, however **the record does not indicate that a complete copy of the application was sent to the last known address of this non-signing inventor.**

Where a refusal of an inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to send a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration.[3] Clearly, one cannot refuse to sign something that one has not seen. 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

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1 Petition, page 2, and Kern statement of facts, page 2.
2 Petition, pages 2-3, Kern statement of facts, pages 2 - 3, and copies of e-mails dated July 19, 2010 and July 27, 2010.
3 See MPEP § 409.03(d).

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.

It is reasonable to require that the inventor be presented with the application papers before a petition under Rule 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.[4]

Before filing a renewed petition, Petitioner should mail a complete paper[5] copy of the application to the last known residential address of Mr. Landers, and provide him with a reasonable period of time to respond. Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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4 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
5 The transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be affected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems. Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is no basis to presume that an e-mailed document was in a form that can be read and comprehended.
6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[10]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/659,251	03/02/2010	H. Randall Bell	141787	5852

7590 04/12/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
MUMMERT, STEPHANIE KANE	
ART UNIT	**PAPER NUMBER**
1637	
NOTIFICATION DATE	**DELIVERY MODE**
04/12/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/659,302	03/03/2010	Masahiro Kamei	144651	3633

7590 07/07/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
HWANG, JOON H	

ART UNIT	PAPER NUMBER
2447	

NOTIFICATION DATE	DELIVERY MODE
07/07/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

MAILED
JAN 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Marcigliano et al.	:	
Application No. 12/659,365	:	ON PETITION
Filed: March 5, 2010	:	
Attorney Docket No. 2675-0070	:	

This is a decision on the petition, filed December 13, 2010, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application, mailed March 23, 2010, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before May 23, 2010. A Notice of Abandonment was mailed December 9, 2010.

Petitioner states that a timely reply was submitted via facsimile on October 13, 2010, which included the following papers: Completion under Rule 53(f), Copy of Notice to File Missing Parts, Declaration and Power of Attorney, Assignment Recordation Coversheet and Assignment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a Certificate of Facsimile Transmission dated October 13, 2010, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of March 23, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on October 13, 2010. It is also noted that USPTO financial records indicate payment of the five (5) month extension of time and late surcharge fees were received on October 13, 2010. Further, the Assignment records for the instant application reflect an assignment being recorded October 13, 2010 as well.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3655 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

PAGE 1/1 * RCVD AT 4/13/2011 8:11:54 PM [Eastern Daylight Time] * SVR:USPTOFAX-001/18 * DNIS:2738300 * CSID: * DURATION (mm-ss):00-55

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

RECEIVED
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APR 13 2011

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 31988.00	Application Number (if known): 12/659,412	Filing date: 3/08/2010
First Named Inventor: HUY T. NGUYEN		
Title: VERTICAL WINDMILL		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. **See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date 4/12/11
Name (Print/Typed) HUY T. NGUYEN	Registration Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.*

[X] *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

RECEIVED
CENTRAL FAX CENTER
APR 13 2011

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 31988.00	Application Number (if known): 12/659,412	Filing date: 3/08/2010
First Named Inventor: HUY T. NGUYEN		
Title: VERTICAL WINDMILL		

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.

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5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date 4/12/11
Name (Print/Typed) HUY T. NGUYEN	Registration Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.*

[X] *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

ITW

OPAP
APR 18 2011
IAP20
PATENT & TRADEMARK OFFICE

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 31988.00	Application Number (if known): 12/659,412	Filing date: 3/08/2010
First Named Inventor: HUY T. NGUYEN		
Title: VERTICAL WINDMILL		

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.

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   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.

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Signature	Date 4/12/11
Name (Print/Typed) HUY T. NGUYEN	Registration Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.*

[X] *Total of 1 forms are submitted.

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.
12/659,412	03/08/2010	Huy T. Nguyen	31988.00	8563

37833 7590 04/29/2011

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8955 CENTER STREET
MANASSAS, VA 20110

EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
04/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re Application of	:	
NGUYEN, HUY T.	:	DECISION ON PETITION
Application No. 12/659,412	:	TO MAKE SPECIAL UNDER
Filed: March 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 31988.00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 8.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee $300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. Currently, the application is undergoing pre-examination processing. Upon completion, the application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

Docket No. **31988.00**

Confirmation No. **8563**

Customer No. **37833**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PATENT APPLICATION OF:

APPLICANT: **HUY T. NGUYEN**

SERIAL NO: **12/659,412** ART UNIT: **3745**

FILED: **MARCH 8, 2010** EXAMINER: **EDWARD LOOK**

FOR: **VERTICAL WINDMILL**

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ALEXANDRIA, VA 22313-1450

STATEMENT OF SPECIAL STATUS
SUPPLEMENTAL TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

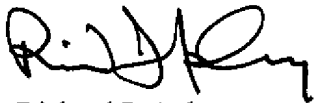
This communication is supplemental to the Petition to Make Special Under the Green Technology Pilot Program. filed April 18, 2011 for the above-referenced patent application. The previous Petition was dismissed on April 29, 2011 for lacking the "Request for Early Publication" and fee therefore ($300.00). Applicant is requesting early publication under CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

Advancement of examination out of turn of the above-referenced patent application is hereby requested under the Green Technology Pilot Program. The present invention generally relates to *environmental quality and energy conservation.*

In particular, the present invention is drawn to a vertical windmill 10, for a given wind condition, maximizes rotation of the wind wheel column 12. The staggered and stacked arrangement of the wind wheels results in a relatively small configuration compared to the conventional taller and larger windmills. Moreover, the number of blades 60 that can be mounted thereon provides a relatively large surface area for wind to act upon while the self-orienting or positive orienting mechanisms ensures optimum utilization of wind conditions. The vertical windmill 10 is also more efficient in using the wind power because the hollow structural elements as well as the materials used therein substantially minimize weight.

It is now believed that the requirements to accelerate examination of the above-referenced patent application under the Green Technology Pilot Program have been met, and such action is respectfully requested.

Respectfully submitted,



Richard J. Apley
Registration No. 51,316
(703) 486-1000

RJA: tbs

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 31988.00	Application Number (if known): 12/659,412	Filing date: 03/08/2010

First Named Inventor: Huy T. Nguyen

Title: Vertical Windmill

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: Payment of publication fee ($300.00) is made herewith.

Signature	Date 05/16/2011
Name (Print/Typed) Richard J. Apley	Registration Number 51,316

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

■ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/659,412	03/08/2010	Huy T. Nguyen	31988.00	8563

37833 7590 06/17/2011

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PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS, VA 20110

EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
06/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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8955 CENTER STREET
MANASSAS VA 20110

In re Application of
NGUYEN, HUY T.
Application No. 12/659,412
Filed: March 8, 2010
Attorney Docket No. 31988.00

: DECISION ON PETITION
: TO MAKE SPECIAL UNDER
: THE GREEN TECHNOLOGY
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 16, 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.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Decision Date : March 28, 2012

In re Application of :

Hironori Yamamoto

Application No : 12659414

Filed: 08-Mar-2010

Attorney Docket No : 2010_0364

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed March 28, 2012

The request is **APPROVED**

The request was signed by Charles R. Watts (registration no. 33142) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name	UCHIYAMA MANUFACTURING CORP.
Name2	
Address 1	338 ENAMI, OKAYAMA-SHI
Address 2	
City	OKAYAMA
State	
Postal Code	702-8004
Country	JP

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	12659414
Filing Date	08-Mar-2010
First Named Inventor	Hironori Yamamoto
Art Unit	3674
Examiner Name	VISHAL PATEL
Attorney Docket Number	2010_0364
Title	Encoder-equipped sealing device

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

The reason(s) for this request are those described in 37 CFR:

10.40(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	UCHIYAMA MANUFACTURING CORP.
Address	338 ENAMI, OKAYAMA-SHI
City	OKAYAMA
State	
Postal Code	702-8004
Country	JP

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Charles R Watts/
Name	Charles R. Watts
Registration Number	33142

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Alexandria, VA 22313-1450
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STEPHEN CHRISTOPHER SWIFT
SWIFT LAW OFFICE
2121 EISENHOWER AVENUE
SUITE 200
ALEXANDRIA VA 22314-4688

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Nasser GHAZVINI	:	
Application No. 12/659,424	:	DECISION ON PETITION
Filed: March 9, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 248-2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2100.

The application is being forwarded to Technology Center Art Unit 2111 for action on the merits commensurate with this decision.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/659,448	03/09/2010	Russell Alan Fretenburg	10215-0011-00	2428

22852 7590 11/29/2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
BRAINARD, TIMOTHY A	
ART UNIT	PAPER NUMBER
3662	

MAIL DATE	DELIVERY MODE
11/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

Applicant: Fretenburg et al.
Appl. No.: 12/659,448
Filing Date: March 9, 2010
Title: HIGH-PRECISION RADIO FREQUENCY RANGING SYSTEM
Attorney Docket No.: 10215-0011-00
Pub. No.: US 2011/0221632 A1
Pub. Date: September 15, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 15, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant filed the request via the United States postal service. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 12/02/2011 KKING1
11/16/2011 AWONDAF1 00000038 12659448
01 FC:1504 -300.00 OP

Repln. Ref: 12/02/2011 KKING1 0014145200
DAH:060916 Name/Number:12659448
FC: 9204 $300.00 CR

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Randall H. Bell, Abby Mackness,	:	
Joan Bienvenue, John W. Pettit,	:	
and James P. Landers	:	
Application No. 12/659,488	:	DECISION ON PETITION
Filed: March 10, 2010	:	PURSUANT TO
Attorney Docket No. 141788	:	37 C.F.R. § 1.47(A)
Title: DNA ANALYZER	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on August 30, 2010.

This petition is **DISMISSED.**

On March 10, 2010, the application was filed, identifying Randall H. Bell, Abby Mackness, Joan Bienvenue, John W. Pettit, and James P. Landers as joint inventors. No oath or declaration was included on filing. On March 29, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the

non-signing inventor refuses to join in the application or

b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition, Petitioner has included, *inter alia*, a declaration which has been executed by each of the joint inventors save Messrs. Petitt and Landers along with the surcharge associated with the late submission of the same, a statement of the last known address of each non-signing joint inventor, and a statement of facts. Petitioner has further included a three-month extension of time so as to make this submission timely.

The petition fee will be charged to Deposit Account No. 15-0461 in due course, as authorized on the extension of time.

Petitioner has met requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a).

The fourth requirement of 37 C.F.R. § 1.47(a) has been satisfied, as it applies to Mr. Pettit, since Petitioner has established that a complete copy of the application was sent to his last known address, and he did not claim the package.[1]

Regarding the fourth requirement of 37 C.F.R. § 1.47(a) as it applies to Mr. Landers, this requirement has not been satisfied. Petitioner has established that an e-mail was sent to the same, and he has not returned an executed copy of the declaration and assignment documents.[2] Petitioner has asserted that Mr. Landers has refused to execute the declaration, however **the record does not indicate that a complete copy of the application was sent to the last known address of this non-signing inventor.**

Where a refusal of an inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to send a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration.[3] Clearly, one cannot refuse to sign something that one has not seen. 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

1 Petition, page 2, and Kern statement of facts, page 2.
2 Petition, pages 2-3, Kern statement of facts, pages 2 - 3, and copies of e-mails dated July 19, 2010 and July 27, 2010.
3 See MPEP § 409.03(d).

is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers.

It is reasonable to require that the inventor be presented with the application papers before a petition under Rule 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.[4]

Before filing a renewed petition, Petitioner should mail a complete paper[5] copy of the application to the last known residential address of Mr. Landers, and provide him with a reasonable period of time to respond. Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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4 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
5 The transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be affected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems. Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is no basis to presume that an e-mailed document was in a form that can be read and comprehended.
6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[10]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/659,488	03/10/2010	H. Randall Bell	141788	6345

7590 04/12/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
MUMMERT, STEPHANIE KANE	
ART UNIT	**PAPER NUMBER**
1637	
NOTIFICATION DATE	**DELIVERY MODE**
04/12/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/659,493	03/10/2010	Masahiro Tsuchiya	144756	6414

7590 11/23/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
MOWLA, GOLAM	
ART UNIT	PAPER NUMBER
1723	
NOTIFICATION DATE	DELIVERY MODE
11/23/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KRISTOFER E. ELBING
187 PELHAM ISLAND ROAD
WAYLAND, MA 01778

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of :
Fini et al. :
Application No. 12/659,539 : ON PETITION
Filed: March 11, 2010 :
Attorney Docket No. E0001-016002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 4, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a reply to the Notice to File Missing Parts of Nonprovisional Application, mailed April 16, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 17, 2010. A Notice of Abandonment was mailed June December 30, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (1), the required reply. While the Office recognizes that the petitioner submitted a declaration, basic filing fee, search fee, examination fee, claim fees and surcharge, the petitioner did not submit replacement drawings as required in the Notice, mailed April 16, 2010. Accordingly, this application cannot be revived until replacement drawings are 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

By Facsimile: **(571) 273-8300**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley-Collier

Alicia Kelley-Collier
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

KRISTOFER E. ELBING
187 PELHAM ISLAND ROAD
WAYLAND MA 01778

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Fini et al. :
Application No. 12/659,539 : DECISION ON PETITION
Filed: March 11, 2010 :
Attorney Docket No. E0001-016002 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified 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 April 16, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 17, 2010. A Notice of Abandonment was mailed on December 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, the $65.00 Surcharge fee, the $165.00 Basic filing fee, the $770.00 Excess Claim fees, the $754.00 Claims in Excess of twenty fee; the $270.00 Search Fee, $110.00 Examination fee (previously submitted April 4, 2011), and Replacement Drawings,; (2) the petition fee of $810.00 (previously submitted April 4, 2011), 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
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.
12/659,569	03/12/2010	Takaaki Nakayama	144206	8341

7590 08/11/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
LEE, BENJAMIN C	

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
08/11/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/659,635	03/16/2010	Shuji Karino	01-1978	8473

7590 07/22/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
MAUNG, NAY AUNG	
ART UNIT	**PAPER NUMBER**
2618	
NOTIFICATION DATE	**DELIVERY MODE**
07/22/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
MAR 21 2012
OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of : DECISION ON REQUEST TO
Takaomi KINUGAWA : PARTICIPATE IN PPH PROGRAM
Application No. 12/659,636 : AND PETITION TO MAKE SPECIAL
Filed: March 16, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 01-1967 :
For: MAP DISPLAY DEVICE AND METHOD FOR CONTROLLING INDICATION OF MAP

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 27, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;

3. Examination of the U.S. application has not begun;

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 2179 for action commensurate with this decision.

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.
12/659,763	03/19/2010	Yoshiki Saito	NNN.1088	3795

7590 04/07/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
ART UNIT	PAPER NUMBER
2811	
MAIL DATE	DELIVERY MODE
04/07/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Soliman Mahmoud Soliman Abda

Application No. 12659808

Filed: March 22,2010

Attorney Docket No. 30287.09

: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 25-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/659,808	Confirmation Number	6324	Filing Date	2010-03-22
Attorney Docket Number (optional)	30287.09	Art Unit	3742	Examiner	Miller
First Named Inventor	Soliman Abdalla				
Title of Invention	System and Method for Producing Nanomaterials				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Soliman	Mahmoud Soliman	Abdalla	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Richard J. Apley/	Date (YYYY-MM-DD)	2011-10-25
Name	Richard J. Apley	Registration Number	51316

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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	12659814
Filing Date	22-Mar-2010
First Named Inventor	Alice Jean Schwingendorf
Art Unit	3673
Examiner Name	ROBERT SANTOS
Attorney Docket Number	787P001
Title	SLEEPY HEAD'S/NECK PILLOW INVENTION

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	/Kevin S. Lemack/
Name	Kevin S. Lemack
Registration Number	32579

UNITED STATES 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 3,2011

In re Application of :

Alice Jean Schwingendorf

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12659814

Filed : 22-Mar-2010

Attorney Docket No : 787P001

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 3,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 3673 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MICHAEL TOBIAS
1629 K ST NW
SUITE 300
WASHINGTON DC 20006

MAILED

AUG 23 2011

OFFICE OF PETITIONS

In re Application of :
Munekata et al :
Application No. 12/659,815 : DECISION ON PETITION
Filed: March 22, 2010 :
Attorney Dkt. No. 1139 :

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on July 15, 2011.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a proper response to a non-final Office Action, which was mailed on October 1, 2010. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on January 2, 2011. A Notice of Abandonment was mailed on June 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1735 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/659,891	03/24/2010	Olivier Soula	131936.01	2215

7590 01/04/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ALLEN, MARIANNE P	

ART UNIT	PAPER NUMBER
1647	

NOTIFICATION DATE	DELIVERY MODE
01/04/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/659,910	03/25/2010	Ioulia Smorchkova	20-058-DIV/002404-804/US/	1275

7590 01/31/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
MAI, ANH D	

ART UNIT	PAPER NUMBER
2814	

MAIL DATE	DELIVERY MODE
01/31/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

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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January 28, 2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	:	
Smorchkova, Ioulia, et al	:	**DECISION ON PETITION**
Application No. 12/659,910	:	
Filed: 03/25/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 20-258		
DIV/002404-804/US/	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 25, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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NOV 16 2011

OFFICE OF PETITIONS

KENNETH W. ILES
9903 West 129th Street
Overland Park KS 66213-3222

In re Application of :
Dale A. Craddock :
Application No. 12/660,055 : DECISION ON PETITION
Filed: February 19, 2010 : 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 November 3, 2011.

The request is **not approved.**

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Kenneth W. Iles, does not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The correspondence address has been changed and is copied below.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Dale C. Craddock
1204 Davis Street
Dexter, IA 50070

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: 23.05	Application Number (if known): 12/660,059	Filing date: 20 February 2010
First Named Inventor: David Lee Alexander		
Title: Portable Dip-Coating System For Applying Liquid Coating Materials, and Related Methods		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /John Janeway/	Date 24 March 2011
Name (Print/Typed) John Janeway	Registration Number 45,796

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/660,059	02/20/2010	David Lee Alexander	23.05	3031

80127 7590 05/03/2011

Janeway Patent Law PLLC
SUITE 508
2208 NW MARKET STREET
Seattle, WA 98107

EXAMINER	
PENNY, TABATHA	
ART UNIT	**PAPER NUMBER**
1712	

MAIL DATE	DELIVERY MODE
05/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Janeway Patent Law PLLC
SUITE 508
2208 NW MARKET STREET
Seattle WA 98107

5/3/11

In re Application of :
Alexander :
Application No. 12/660,059 :
Filed: 2/20/2010 :
Attorney Docket No. **23.05** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/24/2011, 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 1712 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

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PO BOX 3109
CAMARILLO CA 93011

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OFFICE OF PETITIONS

In re Application of	:	
Tsukahara, Jun	:	
Application No. 12/660,100	:	ON PETITION
Filed: February 18, 2010	:	
Attorney Docket No. 2007-322	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal (previously filed July 21, 2011) and the remaining balance of the $595.00 issue fee, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

RICHARD O. BARTZ
SUITE 119
6950 FRANCE AVENUE SOUTH
EDINA, MN 55435

In re Application of	:	
Michael R. Lange et al	:	DECISION REFUSING STATUS
Application No. 12/660,145	:	UNDER 37 CFR 1.47(a)
Filed: February 19, 2010	:	
Attorney Docket No. S26.12.3	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 14, 2010.

The petition is **DISMISSED.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Dallas W. Simonette, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor. Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor Dallas W. Simonette. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration.

See MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Simonette's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Simonette's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application.

Petitioner alleges Mr. Simonette refused to join in the present application a declaration signed by Mr. Simonette was received in application Serial No. 10/982,505 on February 22, 2005. Therefore, petitioner must establish that Mr. Simonette refuse to join in the instant application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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BARTZ & BARTZ, P.A.
6950 FRANCE AVENUE SOUTH, STE. 119
EDINA, MN 55435

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FEB 04 2011

OFFICE OF PETITIONS

In re Application of
Michael R. Lange et al
Application No. 12/660,145
Filed: February 19, 2010
Attorney Docket No. S26.12.3

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition filed, December 14, 2010, requesting reconsideration of a decision mailed December 1, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Dallas W. Simonette has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

David Bucei
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Dallas W. Simonette
HCR 33 Box 2962
11575 W. Wigwam Avenue
Las Vegas, NV 89161-9208

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Application of
Michael R. Lange; Dallas W. Simonette
Application No. 12/660,145
Filed: February 19, 2010
For: AUTOMATED CLEANING SYSTEM FOR STRUCTURES

Dear Mr. Simonette:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

/s/
David Bucci
Petitions Examiner
Office of Petitions

cc: Bartz & Bartz, P.A.
6950 France Avenue South, Ste. 119
Edina, MN 55435

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 19,2011

In re Application of :

Wade Williams-Hartman

Application No : 12660166

Filed : 22-Feb-2010

Attorney Docket No : 395-015

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 July 19,2011

The request is **APPROVED.**

The request was signed by Robert G. Graham (registration no. 58042) on behalf of all attorneys/agents associated with Customer Number 27776 . All attorneys/agents associated with Cusotmer Number 27776 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	Wade Everette Williams-Hartman
Name2	
Address 1	53 Hubbardton Road
Address 2	
City	Wayne
State	NJ
Postal Code	07470
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12660166
Filing Date	22-Feb-2010
First Named Inventor	Wade Williams-Hartman
Art Unit	3711
Examiner Name	KURT FERNSTROM
Attorney Docket Number	395-015
Title	CHILD-RESISTANT AND SENIOR-FRIENDLY BLISTER CARD PACKAGE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 27776

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	Wade Everette Williams-Hartman
Address	53 Hubbardton Road
City	Wayne
State	NJ
Postal Code	07470
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Robert G. Graham/
Name	Robert G. Graham
Registration Number	58042

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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS MN 55458-1336

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OFFICE OF PETITIONS

In re Application of :
Hegmann et al. :
Application No. 12/660,203 : ON PETITION
Filed: 02/22/2010 :
Attorney Docket No. 352.00040101 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on February 22, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

Petitioners state that color photographs are necessary for the understanding of the claimed invention because the color photographs more appropriately communicate the subject matter depicted.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2871.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
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.
12/660,204	02/23/2010	Richard G. Dickson	BAEP 1141	1991

7590 08/13/2010

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON, MA 02110

EXAMINER
ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
3684	

MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/13/2010 NFARMER
12/24/2010 CCHAU 02000356 190130 12660204
02 FC:1111 543.00 CR
04 FC:1202 572.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/660,204	02/23/2010	Richard G. Dickson	BAEP 1141	1991

7590 08/13/2010

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON, MA 02110

EXAMINER	
ABDI, KAMBIZ	
ART UNIT	**PAPER NUMBER**
3684	
MAIL DATE	**DELIVERY MODE**
08/13/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/660,212	02/23/2010	Miles Dahl	BAEP 1140	3956

7590 08/13/2010
ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON, MA 02110

EXAMINER
DIACOU, ARI M

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
08/13/2010	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.

Niami Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/13/2010 [illegible]
[illegible]
02 FC:1111 542.00 CK

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/660,212	02/23/2010	Miles Dahl	BAEP 1140	3956

7590 08/13/2010

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON, MA 02110

EXAMINER	
DIACOU, ARI M	
ART UNIT	PAPER NUMBER
3663	
MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHAR O. BARTZ
SUITE 119
6950 FRANCE AVENUE SOUTH
EDINA, MN 55435

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of
Michael R. Lange et al
Application No. 12/660,246
Filed: February 22, 2010
Attorney Docket No. S26.12.2

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 7, 2010.

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Simonette, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Dallas W. Simonette. In this regard, petitioner should, at the very least, conduct a search

of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Simonette's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail Mr. Simonette correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Simonette's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 04 2011

OFFICE OF PETITIONS

RICHAR O. BARTZ
SUITE 119
6950 FRANCE AVENUE SOUTH
EDINA, MN 55435

In re Application of	:	
Michael R. Lange et al	:	DECISION GRANTING STATUS
Application No. 12/660,246	:	UNDER 37 CFR 1.47(a)
Filed: February 22, 2010	:	
Attorney Docket No. S26.12.2	:	

This is a decision on the petition filed, February 8, 2011, requesting reconsideration of a decision mailed December 14, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Dallas W. Simonette, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dallas W. Simonette
HCR 33, Box 2962
111575 W. Wigwam Avenue
Las Vegas, NV 89161-9208

MAILED
APR 04 2011
OFFICE OF PETITIONS

In re Application of
Michael R. Lange; Dallas W. Simonette
Application No. 12/660,246
Filed: February 22, 2010
For: APPARATUS AND METHOD FOR CLEANING SURFACES

Dear Mr. Simonette:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Richar O. Bartz
Suite 119
6950 France Avenue South
Edina, MN 55435

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.
12/660,248	02/23/2010	Ronald E. Wagner	BAEP 1162	5785

7590 08/13/2010

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON, MA 02110

EXAMINER	
ART UNIT	PAPER NUMBER
3629	
MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 08/13/2010 NFARMER
12 FC:1111 540.00 CR

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.
12/660,248	02/23/2010	Ronald E. Wagner	BAEP 1162	5785

7590 08/13/2010

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON, MA 02110

EXAMINER	
ART UNIT	PAPER NUMBER
3629	
MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi James

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

NOV 01 2011

OFFICE OF PETITIONS

George Yancosek Jr.
583 Ridgeland Terrace
Englewood NJ 07631

In re Application of :
George YANCOSEK Jr. : ON PETITION
Application No. 12/660,263 :
Filed: February 23, 2010 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 17, 2011, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136 are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C. §704.

The application became abandoned for failure to respond in a timely manner to the non-final Office action mailed July 8, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned October 9, 2010.

A grantable petition under 37 CFR1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR1.137(d). The petition lacks item (1).

Regarding item (1), petitioner's April 19, 2011 Response to the Office action mailed July 8, 2010 is unsigned. As such, the petition is not grantable.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent

information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

George Yancosek Jr.
583 Ridgeland Terrace
Englewood NJ 07631

MAILED
JAN 23 2012
OFFICE OF PETITIONS

In re Application of :
George YANCOSEK Jr. : ON PETITION
Application No. 12/660,263 :
Filed: February 23, 2010 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 3, 2012, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to respond in a timely manner to the non-final Office action mailed July 8, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned October 9, 2010. A Notice of Abandonment was mailed December 5, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Office action mailed July 8, 2010, (2) a petition fee of $930, and (3) a statement of unintentional delay. The reply to the Office action 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 file will be referred to Technology Center Art Unit 3788 for further consideration of the filed Response.

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ATER WYNNE LLP
1331 NW Lovejoy St.
Suite 900
Portland, OR 97209-2785

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Jie Wang	:	
Application No. 12/660,265	:	DECISION ON PETITION
Filed: February 22, 2010	:	TO WITHDRAW
Attorney Docket No. 104876-0003	:	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 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Patrick D. Boyd 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 Jie Wang 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: **Jie Wang**
1915 Arena Court
West Linn, OR 97068

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
12/660,265	02/22/2010	Jie Wang	104876-0003

CONFIRMATION NO. 2709

35940
ATER WYNNE LLP
1331 NW Lovejoy St. Suite 900
PORTLAND, OR 97209-2785

POWER OF ATTORNEY NOTICE

OC000000043822271

Date Mailed: 10/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/660,271	02/24/2010	Daniel E. South		9480

7590 08/16/2011

Daniel E. South
7125 E Finger Lake Ave
Palmer, AK 99645-9127

EXAMINER	
NGUYEN, TRAN N	

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DANIEL E. SOUTH
7125 E FINGER LAKE AVE
PALMER, AK 99645-9127

In re Application of :
SOUTH, DANIEL E. : **DECISION ON PETITION**
Application No. 12/660,271 : **UNDER *37 CFR 1.84***
Filed: February 24, 2010 :
Attorney Docket No. n/a :

This decision is in response to the petition filed March 8, 2010 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition is **GRANTED**.

The petition states that color drawings are necessary in order to completely and accurately represent the invention.

A grantable petition under 37 C.F.R. 1.84(a)(2) requires submission of the following: (1) the appropriate fee, (2) three sets of color drawings, and (3) the required text language set forth in 37 C.F.R. 1.84 (a)(2)(iii).

The papers filed on March 13, 2010 comply with the requirements set forth in 37 C.F.R. 1.84(a)(2).

Telephonic inquires concerning this decision should be directed to the undersigned at (571) 272-8188.

For Quyen Leung
Supervisory Patent Examiner, Art Unit 2834
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of
Hiroshi Higuchi
Application No.: 12/660,276
Filed: February 24, 2010
Attorney Docket No.: 4041J-001663/US

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 1, 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 Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Slingshot Sports, LLC
PO Box 1395
Stevenson, WA 98648

In re Application of	:	
Logosz, et al.	:	
Application No. 12/660,300	:	ON PETITION
Filed: February 24, 2010	:	
Attorney Docket No. **SSKB-702**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on May 16 2010, for failure to respond to the Notice to File Corrected Application Papers mailed March 15, 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 replacement drawing sheet; (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

The address cited on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address cited on the petition, however, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Nathan P. Koenig
501 Post Canyon Dr.
Hood River, OR 97031

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.
12/660,314	02/23/2010	Aladar A. Szalay	33316.00112.US22/112B	9119

13565 7590 07/07/2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER	
LI, BAO Q	

ART UNIT	PAPER NUMBER
1648	

MAIL DATE	DELIVERY MODE
07/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND
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JUL - 7 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Szalay et al.
Serial No.: 12/660,314
Filed: February 23, 2010
Attorney Docket No:
33316.00112.US22/112B

: PETITION DECISION

This is in response to the petition filed on June 27, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on June 18, 2010; February 22, 2011; and April 29, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on June 18, 2010; February 22, 2011; and April 29, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on June 18, 2010; February 22, 2011; and April 29, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (June 18, 2010, "Transmittal Letter" of 4 pages; February 22, 2011, "Transmittal Letter" of 2 pages; and April 29, 2011, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of June 18, 2010; February 22, 2011; and April 29, 2011.

DECISION

The petition is **GRANTED.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/660,314	02/23/2010	Aladar A. Szalay	33316.00112.US22/112B	9119

13565 7590 10/14/2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER	
LI, BAO Q	

ART UNIT	PAPER NUMBER
1648	

MAIL DATE	DELIVERY MODE
10/14/2011	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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OCT 1 4 2011

Stephanie Seidman
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of	:
Szalay	:Decision on Petition
Serial No.: 12/660,314	:
Filed : 23 February 2011	:
Attorney Docket No.: 33316.00112.US22/112B	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 19 August 2011 requesting reconsideration of the restriction requirement mailed 18 March 2011.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration of the restriction requirement under Chapter 800.

On 18 March 2011, the examiner set forth a restriction requirement which divided claims 1-59 into four groups and various election of species were required.

On 29 April 2011, applicants elected Group I, and the species of GLV-1h153 virus, the HA insertion sire locus, the angiogenesis inhibitor as the therapeutic agent, cisplatin as the chemotherapeutical agent, antiviral agent ST-246 and the nucleic acid that encodes an anti-VEGF antibody, with traverse.

On 27 June 2011, the examiner considered the traversal and made the restriction requirement final. Claims 4, 15-28, 41-59 were withdrawn from consideration as being directed to non-elected inventions. Claims 2-3 and 5 were rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite. Claims 1-3, 5-14, 29-31 were rejected on the grounds of nonstatutory double patenting as being unpatentable over US Patent 7,754,221 in view of US Patent 2009/0053233A1. Claim 8 was provisionally rejected on the grounds of nonstatutory double patenting over claim 65 of copending application 12/579,960. Claims 1-3, 5-14, 29-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 7.754,221 in view of Zhang, Yoon and Afansieva.

On 19 August 2011, applicants filed a response along with this petition.

DISCUSSION

The file history of the instant application has been considered carefully. The examiner has placed product claims into three groups. Applicant elected Group I and wishes to have considered for concurrent examination Group III.

Group I: Claims 3 and 5, drawn to a recombinant vaccinia virus encoding a sodium-iodide symporter (NIS).

Group II: Claim 4, drawn to a recombinant vaccinia virus encoding a human norepinephrine transporter (hNET).

Group III: Claims 15-27, 28, drawn to combination of a recombinant vaccinia virus, a substrate and an anti-cancer compound.

Relevant claims are set forth below.

1. (Currently Amended) A recombinant vaccinia virus comprising:
a nucleic acid that encodes a sodium-dependent transporter protein; and
a nucleic acid that encodes a therapeutic agent.

3. (Original) The recombinant vaccinia virus of claim 1, wherein the transporter protein is a norepinephrine transporter (NET) or is a sodium-iodide symporter (NIS).

4. (Withdrawn) The recombinant vaccinia virus of claim 3, wherein the transporter protein is a norepinephrine transporter that is a human norepinephrine transporter (hNET).

5. (Original) The recombinant vaccinia virus of claim 3, wherein the transporter protein is a sodium-iodide symporter that is a human sodium-iodide symporter (hNIS).

15. (Original) A combination, comprising:
a recombinant vaccinia virus of claim 1; and
one or both of:
(i) a substrate transported into a cell by the transporter encoded by the virus; and
(ii) an anti-cancer compound.

Applicant correctly identifies the relationship between Group I and III as subcombination and combination and then cites MPEP 806.05(c) for its two way test to establish distinction between inventions of this sort. Applicant is correct that the combination (Claim 15) is not patentably distinct from the subcombination (Claim 1) and as such the restriction requirement between Group I and III is unwarranted.

Concerning the restriction required between Group II and III, it is noted that claim 3 is a Markush claim. Claim 4 recites one of the alternatives and depends upon claim 3. Given this claim format, the restriction required between Group II and III is unwarranted. Restriction cannot be required between generic claim 3 and dependent claim 4.

Because applicant's claims are drafted in Markush-type format, the petition argues that they should be considered under the guidelines of MPEP 803.02 and the 9 February 2011, Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

Further, the examiner has taken the position that the instant claims are rejected on the ground of nonstatutory double patenting over claim 13 (among others) of US Patent No 7,754,221. Claim 13 is comparable to instant claim 3, which has been divided into two groups for the purposes of restriction in the instant application. In view of this rejection, the restriction between Groups II and III can no longer be sustained.

> **13**. The recombinant *vaccinia* virus of claim 1, wherein the transporter protein is a norepinephrine transporter (net) or is a sodium-iodide symporter (nis).

Next, the petition points out concerns over the requirement to elect a single "species" of therapeutic agent.

> 1) a cytokine, 2) a chemokine, 3) an immunomodulatory molecule, 4) an antigen, 5) an antibody or fragment thereof, 6) antisense RNA, 7) a prodrug converting enzyme, 8) siRNA, 9) an angiogenesis inhibitor, 10) a toxin, 11) an antitumor oligopeptide, 12) a mitosis inhibitor protein, 13) an antimitotic oligopeptide, 14) an anti-cancer polypeptide antibiotic, 15) tissue factor, 16) anti-VEGF, 17) plasminogen K5 domain, 18) a human tissue factor-αvβ3-integrin RGD fusion protein, 19) Il-24, or 20) IL-6-1L6 receptor fusion protein

Applicant elected an anti-VEGF antibody and requests that other species with overlapping scope be rejoined for examination. For example, an anti-VEGF antibody is encompassed by at least

two other "species" of an (3) immunomodulatory molecule and (5), an antibody or fragment thereof. Other species such as cytokine and chemokine are not mutually exclusive. This request to have the election of species requirement withdrawn is in keeping with MPEP 808.01(a), which states that

> "Election of species should not be required between claimed species that are considered clearly unpatentable (obvious) over each other. In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other."

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 19 August 2011 is **GRANTED** as follows.

The restriction requirement between Group I, II and III and the election of species requirements to a single therapeutic agent is withdrawn.

The Office action mailed out 27 June 2011 is withdrawn as incomplete for not addressing claims of rejoined Groups II and III on the merits.

Applicants are no longer under obligation to respond to the Office action mailed 27 June 2011.

The application will be forwarded to the examiner for preparation of a supplemental Office action in a manner consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice. Generic claims will be examined according to MPEP 809.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/660,336	02/23/2010	Cheng-Pang Chou	037010-0802	1224

30542 7590 05/10/2011

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

EXAMINER	
RODRIGUEZ, PAUL L	
ART UNIT	**PAPER NUMBER**
2123	
MAIL DATE	**DELIVERY MODE**
05/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

In re Application of:
CHOU, Cheng-Pang et al.
Application No. 12/660,336
Filed: February 23, 2010
For: **SYSTEM AND METHOD FOR FLAME BLOW-OFF DETERMINATION**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on February 23, 2010, requesting acceptance of color drawings.

The petition requests that the color drawing of Figure 3 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figure 3. Paragraph between paragraphs [0049] and [0050] of the substitute specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES 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 15, 2011

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

Re Application of
DOU, Q. PING, ET Al
Application: **12/660351** : **DECISION ON PETITION**
Filed: **02/25/2010** : **ACCEPTANCE OF COLOR**
Attorney Docket No: **USF.T195XCD2** : **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 25, 2010.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **3-20-12**

TO SPE OF : ART UNIT **1625**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12660351** Patent No.: **8058310**

CofC mailroom date: 3-14-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580

Note:

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

/Janet L. Andres/ — **SPE**

1625 — **Art Unit**

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DUANE MORRIS LLP - SAN DIEGO
101 WEST BROADWAY
SUITE 900
SAN DIEGO CA 92101-8285

MAILED

JAN 3 1 2012

OFFICE OF PETITIONS

In re Application of	:	
Larry Runyon	:	DECISION ON PETITION
Application No. 12/660,353	:	TO WITHDRAW
Filed: February 25, 2010	:	FROM RECORD
Attorney Docket No. E7270-00006	:	

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 20, 20101 which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

Petitioner states that inventor, Larry Runyon, is deceased and therefore according to MPEP § 409.01(f) the power of attorney accepted September 8, 2010 is thusly terminated.

Therefore, a review of the file record indicates that Duane Morris LLP – San Diego does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Duane Morris LLP – San Diego not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed January 26, 2012 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES 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 25,2011

In re Application of :

Hirotoshi Tsuchiya

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12660368

Filed : 25-Feb-2010

Attorney Docket No : 051270-0385319

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 25,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2817 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	12660368
Filing Date	25-Feb-2010
First Named Inventor	Hirotoshi Tsuchiya
Art Unit	2817
Examiner Name	HENRY CHOE
Attorney Docket Number	051270-0385319
Title	CLASS-D AMPLIFIER

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 2011.05.26 ☐ 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	/Roger R. Wise/
Name	Roger R. Wise
Registration Number	31204

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

John Wiley Horton, Attorney
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.
2nd Floor
215 S. Monroe St.
Tallahassee FL 32301

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Anthony F. Gee :
Application No. 12/660,371 : ON PETITION
Filed: February 25, 2010 :
Attorney Docket No. **22800-25536** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 18, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Omitted Items(s) in a Nonprovisional Application (Notice), mailed March 18, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on May 19, 2010.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing (OPAP) for normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/660,379	02/25/2010	Cornelis Henricus Maria de Jong	1521-010PP	4912

32905 7590 06/21/2011

JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
HWU, JUNE	

ART UNIT	PAPER NUMBER
1661	

NOTIFICATION DATE	DELIVERY MODE
06/21/2011	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):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 2 1 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Cornelis Henricus maria deJong
Serial No.: 12/660,379
Filed: February 25, 2010
Attorney Docket No.: **1521-010PP**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed June 10, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 10, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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UNITED STATES 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.
12/660,379	02/25/2010	Cornelis Henricus Maria de Jong	1521-010PP	4912

32905 7590 10/21/2011

JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
HWU, JUNE	

ART UNIT	PAPER NUMBER
1661	

NOTIFICATION DATE	DELIVERY MODE
10/21/2011	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):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 21 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Cornellis H. M. DeJong
Serial No.: 12/660, 379
Filed: February 25, 2010
Attorney Docket No.: **1521-010PP**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 12, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 10, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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MAILED
FEB 27 2012
OFFICE OF PETITIONS

SUE Z SHAPER
1800 WEST LOOP SOUTH
SUITE 1450
HOUSTON TX 77027

In re Application of	:	DECISION
John R. Robb	:	ON PETITION
Application No. 12/660,381	:	
Filed: February 25, 2010	:	
Attorney Docket Number: 50562	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 25, 2010, 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 2833 for examination in due course.

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF RICHARD B KLAR
145 WILLIS AVENUE
MINEOLA, NY 11501

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Application of :
Joseph J. Mazzillo :
Application No. 12/660,385 : DECISION ON PETITION
Filed: February 25, 2010 :
Attorney Docket No. 52RK003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 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 Non-Compliant Amendment mailed September 6, 2011, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $930, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2622 for appropriate action by the Examiner in the normal course of business on the reply received November 4, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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WM. LARRY ALEXANDER
ATTORNEY AT LAW P.A.
1957 OAK STREET
HASTINGS MN 55033-3542

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
KARLICEK, JR., Robert F. :
Application No. 12/660,405 : DECISION ON PETITION
Filed: February 25, 2010 : TO WITHDRAW
Attorney Docket No. **1013.16US01** : 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 07, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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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WM. LARRY ALEXANDER, ATTORNEY AT LAW P.A.
1957 OAK STREET
HASTINGS MN 55033-3542

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
KARLICEK, JR., Robert F. et al. :
Application No. 12/660,405 : DECISION ON PETITION
Filed: February 25, 2010 : TO WITHDRAW
Attorney Docket No. **1013.16US01** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Wm. Larry Alexander on behalf of all attorneys of record who are associated with customer No. 86241. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Robert F. Karlicek, Jr. at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT F. KARLICEK, JR.**
POB 421
CLIFTON PARK, NY 12065

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.
12/660,422	02/25/2010	Peter Moeck	3005-84212-03	6684

24197 7590 03/21/2012
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER	
NGUYEN, KIET TUAN	
ART UNIT	PAPER NUMBER
2881	

NOTIFICATION DATE	DELIVERY MODE
03/21/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com
docketing@klarquist.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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March 20, 2012

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

In re Application of :
MOECK, PETER : DECISION ON PETITION
Application No: **12/660422** :
Filed: **02/25/2010**
Attorney Docket No: **3005-84212-03**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 25, 2010.

The petition is **DISMISSED.**

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2☐ 3☑

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/660,422	02/25/2010	Peter Moeck	3005-84212-03	6684

24197 7590 03/21/2012
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER	
NGUYEN, KIET TUAN	

ART UNIT	PAPER NUMBER
2881	

NOTIFICATION DATE	DELIVERY MODE
April 12,2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com
docketing@klarquist.com

(Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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April 11, 2012

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

Re Application of
MOECK, PETER
Application: **12/660422**
Filed: **02/25/2010**
Attorney Docket No: **3005-84212-03**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewed -Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 6, 2012.
The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/660,446	02/26/2010	Bruno Ehrnsperger	CM3367Q	6812

27752 7590 07/14/2011

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER	
RODRIGUEZ, PAUL L	
ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
07/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of:
EHRNSPERGER, Bruno et al.
Application No. 12/660,446
Filed: February 26, 2010
For: **METHOD FOR EVALUATION OF ABSORPTION BEHAVIOR OF ABSORBENT ARTICLES**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on February 26, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1-13 be accepted in lieu of black and white drawings. However, only Figs. 6-8 are in color.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee, and page 6, lines 26-28 of the specification contains the required notification described above. However, only Figs. 6-8 are in color, thus, the statements in the petition does not correspond to the actual drawings filed.

Accordingly, the petition is **DISMISSED**.

A renewed petition under 37 CFR § 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If applicant fails to file a renewed petition within TWO (2) MONTHS, the drawings will be printed in black and white.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/660,446	02/26/2010	Bruno Ehrnsperger	CM3367Q	6812

27752 7590 10/18/2011

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER	
RODRIGUEZ, PAUL L	

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
10/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of:
EHRNSPERGER, Bruno et al.
Application No. 12/660,446
Filed: February 26, 2010
For: **METHOD FOR EVALUATION OF ABSORPTION BEHAVIOR OF ABSORBENT ARTICLES**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the renewed petition under 37 C.F.R. § 1.84(a)(2), filed on September 12, 2011, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 6(a)-8(c) be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee, and page 6, lines 26-28 of the specification contains the required notification described above. Additionally, the petition was filed with three(3) sets of color drawing Figures 6(a)-8(c).

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

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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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :

NOLEN, James A. et al. :
Application No. 12/660,452 :
Filed: February 26, 2010 :
Attorney Docket No. 102958-200 :

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 December 21, 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 Todd Garabedian on behalf of all attorneys of record who are associated with customer No. 27267. All attorneys/agents associated with the Customer Number 27267 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 James Nolen at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **JAMES A. NOLEN**
60 SHARPE STREET
WEST GREENWICH RI 02817

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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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :

NOLEN, James A. et al. :
Application No. 12/660,453 : DECISION ON PETITION
Filed: February 26, 2010 : TO WITHDRAW
Attorney Docket No. **103208-200** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 21, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because no address was provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :

Nolen, James A. et al. :
Application No. 12/660,453 : DECISION ON PETITION
Filed: February 26, 2010 : TO WITHDRAW
Attorney Docket No. 103208-200 : 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 on February 04, 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 Todd Garabedian on behalf of all attorneys of record who are associated with customer No. 27267. All attorneys/agents associated with the Customer Number 27267 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 James Nolen at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **JAMES A. NOLEN**
60 SHARPE STREET
WEST GREENWICH RI 02817

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 3, 2012

In re Application of :

Pat Unkefer

Application No : 12660501

Filed : 26-Feb-2010

Attorney Docket No : 686522000120

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 3, 2012

The request is **APPROVED.**

The request was signed by Michael Ward (registration no. 38651) on behalf of all attorneys/agents associated with Customer Number 20872 . All attorneys/agents associated with Cusotmer Number 20872 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Los Alamos National Laboratory
Name2	c/o Bruce Cottrell
Address 1	LC/IP, MS A187
Address 2	
City	Los Alamos
State	NM
Postal Code	87545
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12660501
Filing Date	26-Feb-2010
First Named Inventor	Pat Unkefer
Art Unit	1638
Examiner Name	PHUONG BUI
Attorney Docket Number	686522000120
Title	Transgenic plants with enhanced growth characteristics

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20872

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Los Alamos National Laboratory c/o Bruce Cottrell
Address	LC/IP, MS A187
City	Los Alamos
State	NM
Postal Code	87545
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael Ward/
Name	Michael Ward
Registration Number	38651

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 3, 2012

In re Application of :

Pat Unkefer

Application No : 12660506

Filed : 26-Feb-2010

Attorney Docket No : 686522000320

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 3, 2012

The request is **APPROVED.**

The request was signed by Michael Ward (registration no. 38651) on behalf of all attorneys/agents associated with Customer Number 20872 . All attorneys/agents associated with Cusotmer Number 20872 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Los Alamos National Security, LLC
Name2	c/o Bruce Cottrell
Address 1	Los Alamos National Laboratory
Address 2	LC/IP, MS A187
City	Los Alamos
State	NM
Postal Code	87545
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12660506
Filing Date	26-Feb-2010
First Named Inventor	Pat Unkefer
Art Unit	1638
Examiner Name	CYNTHIA COLLINS
Attorney Docket Number	686522000320
Title	Nucleic acids encoding plant glutamine phenylpyruvate transaminase (GPT) and uses thereof

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20872

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Los Alamos National Security, LLC c/o Bruce Cottrell
Address	Los Alamos National Laboratory LC/IP, MS A187
City	Los Alamos
State	NM
Postal Code	87545
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael Ward/
Name	Michael Ward
Registration Number	38651

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	12660508
Filing Date	26-Feb-2010
First Named Inventor	PAT UNKEFER
Art Unit	1638
Examiner Name	PHUONG BUI
Attorney Docket Number	686522000220
Title	Plant glutamine phenylpyruvate transaminase gene and transgenic plants carrying same

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20872

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Los Alamos National Laboratory c/o Bruce Cottrell
Address	LC/IP, MS A187
City	Los Alamos
State	NM
Postal Code	87545
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael Ward/
Name	Michael Ward
Registration Number	38651

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 3, 2012

In re Application of :

PAT UNKEFER

Application No : 12660508

Filed : 26-Feb-2010

Attorney Docket No : 686522000220

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 3, 2012

The request is **APPROVED.**

The request was signed by Michael Ward (registration no. 38651) on behalf of all attorneys/agents associated with Customer Number 20872 . All attorneys/agents associated with Cusotmer Number 20872 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Los Alamos National Laboratory
Name2	c/o Bruce Cottrell
Address 1	LC/IP, MS A187
Address 2	
City	Los Alamos
State	NM
Postal Code	87545
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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K&L GATES LLP
3580 CARMEL MOUNTAIN ROAD
SUITE 200
SAN DIEGO CA 92130

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of :
Koster et al. :
Application No. 12/660,511 : ON PETITION
Filing: February 26, 2010 :
Attorney Docket No. 3800014.00160/2309B :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that he is 65 years of age or older and is also accompanied with a copy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1639 for action on the merits commensurate with this decision.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/660,513	02/25/2010	Aladar A. Szalay	3800002.00239 / 113B	4880

77202 7590 12/21/2010

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

EXAMINER	
LI, BAO Q	

ART UNIT	PAPER NUMBER
1648	

MAIL DATE	DELIVERY MODE
12/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND
TRADEMARK OFFICE

DEC 2 1 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Szalay et al.
Serial No.: 12/660,513
Filed: February 25, 2010
Attorney Docket No: **3800002.00239 / 113B**

: PETITION DECISION

This is in response to the petition filed on December 10, 2010 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statement submitted on June 28, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on June 28, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on June 28, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (June 28, 2010 "Transmittal Letter" of 5 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statement of June 28, 2010.

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DECISION

The petition is **GRANTED.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 11 2011

OFFICE OF PETITIONS

LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE WA 99201

In re Application of	:	
Cohen et al.	:	DECISION ON PETITION
Application No. 12/660,592	:	TO WITHDRAW
Filed: March 1, 2010	:	FROM RECORD
Attorney Docket No. QQ1-0053USC1	:	

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 25, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Lewis C. Lee does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Lewis C. Lee not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed December 13, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re application of:
Alexander Kachanov et al.
Application No. 12/660,614
Filed: March 2, 2010
Attorney Docket No. 85409-796112(013500US)

DECISION ON PETITION

This is a decision on the petition for expungement of information, filed January 20, 2011, supplemented on January 22, 2011 and further supplemented on January 25, 2011, which is being treated as a petition under 37 CFR 1.182 to invalidate an assignment previously recorded against the above-identified application.

The petition is **dismissed**. This is not a final agency action.

Petitioner indicates an assignment recorded on January 19, 2011 was erroneously filed for the above identified application and requests this assignment record be expunged from the file.

As discussed in section 323.01(d) of the Manual of Patent Examining Procedure (MPEP), petitions to correct, modify or "expunge" assignment records are granted only if the petitioner can prove that:

(A) the normal corrective procedures outlined in MPEP § 323.01(a) through §323.01(c) will not provide the petitioner with adequate relief; and
(B) the integrity of the assignment records will not be affected by granting the petition.

In regard to B, petitioner has not sufficiently explained how the removal of a document in its entirety will not affect the assignment records. The removal of a document in its entirety will affect the assignment records. The integrity of the records is recognized as separate from the chain of title, and the USPTO endeavors to maintain a complete history of claimed interests in a given property to permit, among other things, the review of matters like chain of title by a competent authority.

Moreover, petitioner seeks an extraordinary remedy, properly addressed under 37 CFR 1.182. The USPTO will not normally resort to an extraordinary remedy under 37 CFR 1.182 if the rules

of practice and the procedures before the USPTO already provide an avenue for the requested relief. See Cantello v. Rasmussen, 220 USPQ 664, (Comm'r Pats. 1982).

As set forth in MPEP 323, an error in a recorded assignment is not corrected by invalidating the previous document, but by simply submitting a "corrective document". The "corrective document" must include 1) a copy of the original assignment document with the corrections made therein. The corrections must be initialed and dated by the party conveying the interest; and 2) a new Recordation Form Cover Sheet (form PTO-1595). The new recordation form cover sheet must identify the submission as a "corrective document" submission and indicate the reel and frame number where the incorrectly recorded assignment document appears. The person signing the new recordation form cover sheet must state that the information provided on the new cover sheet is true and correct and that any copy submitted is a true copy of the original document. The original cover sheet should be submitted with the corrective document. The corrective document will be recorded and given a new reel and frame number and recording date. The recording fee set forth in 37 CFR 1.21(h) is required for each patent application and patent against which the corrective document is being recorded. See MPEP § 302.06. Petitioner should note that the "assignment documents" and "corrective documents" are not limited to assignments, but include any documents affecting title to a patent or application. See MPEP § 313.

Therefore, the rules of practice and the procedures before the USPTO provide an avenue for the requested relief without relying upon extraordinary measures. That is, the chain of title can be clarified in the assignment records through the recording of a corrective document. As a request for the Office to invalidate an assignment is both extraordinary and contrary to USPTO policy, this petition must be dismissed.

As background, the USPTO simply acts in a ministerial capacity in recording documents that have been submitted for recordation. See 35 USC 261 and 37 CFR 3.11. However, the recording of a document pursuant to 37 CFR 3.11 is **not** a determination by the USPTO of the validity of the document *per se* or the effect that document has on the title to a patent or application. See 37 CFR 3.54. Moreover, it is USPTO policy to maintain a complete history of claimed interests in a given property, and, as such, a recorded assignment document will be retained, even if it is subsequently found to be invalid. In re Raney, 24 USPQ2d 1713 (Comm'r Pat. 1992).

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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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

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of
Yukiomi Tanaka
Application No.: 12/660,627
Filed: March 2, 2010
Attorney Docket No.: 4041J-001665/US
For: VEHICLE COMMUNICATION APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)
:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 15, 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 KIPO 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 KIPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and the present petition fails meet condition (4) above.

In this regard, since examination of the application began January 24, 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 Technology Center Art Unit 3661 to await a response to the Office action mailed January 24, 2012.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Peter A. Shaddock II
Bowman Green Hampton & Kelly, PLLC
Suite 201
501 Independence Parkway
Chesapeake VA 23320

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Bentley et al. :
Application No. 12/660,632 :
Filed: March 2, 2010 :
Attorney Docket No. 729-415 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 20, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being forwarded to art unit 3641 for processing in the normal course of business.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

APR 11 2011

OFFICE OF PETITIONS

Alan R. Loudermilk
Loudermilk & Associates
511 N. Washington Avenue
Marshall, TX 75670

In re Application of :
Wayne D. Jung, et. al. :
Application No. 12/660,691 : ON PETITION
Filed: March 1, 2010 :
Attorney Docket No. JJL01.PCT.H :

This is a decision on the petition under 37 CFR 1.181 filed January 7, 2011, requesting to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed March 19, 2010. A Notice of Abandonment was mailed on November 17, 2010.

Petitioner states "Applicant's attorney personally mailed the attached response to the notice to file missing parts on October 19, 2010, which was accompanied by a petition for a five month extension of time (a copy of which also is attached), both of which included a certificate of mailing in accordance with 37 CFR 1.8(a)."

A review of the record shows that the Office timely received petitioner's response on October 25, 2010, which was accompanied by a Certificate of Mailing dated for October 19, 2010. However, the response is incomplete. In this case, petitioner failed to fully comply with the requirements of MPEP 714(II)(B), which states in part "Applicants are also permitted to amend the specification by submitting a substitute specification, provided the requirements of 37 CFR 1.125(b) and (c) are met. Under 37 CFR 1.125, a clean version of the substitute specification, a separate marked up version showing the changes in the specification relative to the previous version, and **a statement that the substitute specification contains no new matter are required.**" Therefore, since the response filed on October 25, 2010, does not fully comply with the requirements of 37 CFR 1.125, this application was properly held abandoned.

In view of the above the present petition is **dismissed**.

ALTERNATIVE VENUE

Petitioner should consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTHS** from the mail date of this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Alan R. Loudermilk
Loudermilk & Associates
511 N. Washington Avenue
Marshall, TX 75670

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Wayne D. Jung, et. al. :
Application No. 12/660,691 : ON PETITION
Filed: March 1, 2010 :
Attorney Docket No. JJL01.PCT.H :

This is a decision on the petition under 37 CFR 1.137(b) filed June 20, 2011, requesting to revive the above-identified application.

In response to the decision mailed April 11, 2011, petitioner submits the present petition under 37 CFR 1.137(b) along with the petition fee of $810 and an amendment to comply with the requirements of 37 CFR 1.125.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1]. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petition

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

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.
12/660,757	03/04/2010	Allen LeRoy Limberg	ALRL 107D	9509

7590 01/20/2011

ALLEN LEROY LIMBERG, ESQ.
1053 KENSINGTON STREET
PORT CHARLOTTE, FL 33952

EXAMINER	
GHAYOUR, MOHAMMAD H	
ART UNIT	**PAPER NUMBER**
2611	
MAIL DATE	**DELIVERY MODE**
01/20/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS, NV 89128

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of

Joseph W. Cole, et al.
Application No. 12/660,777
Filed: March 3, 2010
Attorney Docket No. COLEI.0073P

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 3, 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 applicant's representative that he has evidence that applicant Joseph W. Cole is at least 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3714 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBER KALER GRIMES & SHRIVER
120 EAST BALTIMORE STREET
BALTIMORE MD 21202-1643

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Fierro, et al. : DECISION ON PETITION
Application No. 12/660,781 :
Filed: March 4, 2010 :
Attorney Docket No. 030245.083877 :

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed February 14, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No further fee is required for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts, mailed March 22, 2010. This Notice set a period for reply of two months to submit: (1)an executed oath or declaration (and the $65 surcharge for its late filing); (2) the statutory basic filing fee; (3) a substitute specification; (4) replacement drawings; (5) the application search fee; (6) the application examination fee. No reply having been received, the application became abandoned on May 23, 2010. The Office mailed a Notice of Abandonment on December 7, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks requirement (1).

Petitioner has not submitted a substitute specification as required by the Notice to File Missing Parts. On renewed petition, applicants must submit a substitute specification.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 13 2011

OFFICE OF PETITIONS

OBER KALER GRIMES & SHRIVER
120 EAST BALTIMORE STREET
BALTIMORE MD 21202-1643

In re Application of :
Fierro, et al. : DECISION ON PETITION
Application No. 12/660,781 :
Filed: March 4, 2010 :
Attorney Docket No. 030245.083877 :

This is a decision on the renewed petition to revive pursuant to 37 CFR 1.137(b), filed March 31, 2011.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts, mailed March 22, 2010. This Notice set a period for reply of two months to submit: (1)an executed oath or declaration (and the $65 surcharge for its late filing); (2) the statutory basic filing fee; (3) a substitute specification; (4) replacement drawings; (5) the application search fee; (6) the application examination fee. No reply having been received, the application became abandoned on May 23, 2010. The Office mailed a Notice of Abandonment on December 7, 2010. Applicants filed a petition to revive under 37 CFR 1.137(b) on February 14, 2011. However, the petition was dismissed in a decision mailed on March 21, 2011. The petition was dismissed because applicants did not submit the substitute specification.

With the instant renewed petition, petitioner has submitted a substitute specification. The other requirements for a grantable petition were previously satisfied on February 14, 2011.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Jeng Hua Liu

Application No. 12660828

Filed: March 5,2010

Attorney Docket No.

:
:
: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 15-SEP-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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 25 2011

OFFICE OF PETITIONS

Stephen D. Carver
Suite 800
2024 Arkansas Valley Drive
Little Rock, AR 72212-4147

In re Application of Kirk A. Conville et al. :
Application No. 12/660,855 : Decision on Petition
Filing Date: March 5, 2010 :
Attorney Docket No. 9441-P :

This is a decision on the petition under 37 CFR 1.137(b), filed December 20, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed March 24, 2010. The notice set a period for reply of two (2) months from the mail date of the notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on May 25, 2010. A Notice of Abandonment was mailed on December 7, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as the petition includes a reply to the March 24, 2010 notice, the required petition fee of $810, and the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and the application will be prepared for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 6, 2011

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

In re Application of	:	
Ibey, Bennett L. et, al	:	**DECISION ON PETITION**
Application No. 12/660,884	:	
Filed: 03/05/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 017575.1399	:	***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) March 05, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Gearhart Law LLC
41 River Road
Suite 1A
Summit, NJ 07901

MAILED

JAN 10 2012

PCT LEGAL ADMINISTRATION

In re Application of :
STROMBLAD, Staffan :
Application No.: 12/660,886 :
Filed: March 05, 2010 : DECISION ON PETITION
Attorney Docket No.: 1800 CE 01 CIP :
For: DRUG FOR TREATING STATES :
RELATED TO THE INHIBITION OF :
ANGIOGENESIS AND/OR
ENDOTHELIAL CELL
PROLIFERATION

This decision is issued in response to applicant's "Petition to Restore Priority" filed November 11, 2011.

The petition is DISMISSED AS MOOT.

As indicated in the filing receipt mailed 23 January 2007, the present U.S. patent application contains a domestic benefit claim identifying the application as a continuation of U.S. application 10/487,620. Parent application 10/487,620 is a national stage application of international application PCT/SE02/01531 filed under 35 U.S.C. 371; however, applicants did not specifically identify U.S. application 10/487,620 as the national stage of PCT/SE02/01531 in the application data sheet filed with the original application materials on March 05, 2010. The present petition seeks acceptance of an unintentionally delayed benefit claim to international application PCT/SE02/01531.

As set forth in MPEP section 1893.03(c), "a national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the international filing date of the international application." In other words, the international application is not an earlier application (it has the same filing date as the national stage; see 35 U.S.C. 363). Thus, reference in the national stage application to the international application number is not required. Furthermore, the inclusion of such a reference does not constitute a new benefit claim under 35 U.S.C. 120 and/or 365 (c). See Broadcast Innovation, L.L.C. and IO Research PTY LTD v. Charter Communications, Inc. and Comcast Corporation, 420 F.3d 1364, 1367 (Fed. Cir., Aug 19, 2005): "Where proper reference to a national stage

application exists, no reference to the corresponding PCT application is required because the national stage application effectively has the same U.S. filing date as the PCT application."

Based on the above, in the present circumstances, where the application includes a proper benefit claim directed to the U.S. national stage application (10/487,620), a petition for acceptance of an unintentionally delayed benefit claim is not necessary in order for applicant to add a reference to the international application upon which the national stage application is based (PCT/SE02/01531). The present petition is therefore appropriately dismissed as moot.

The petition fee filed by petitioner with respect to the present petition will be refunded to applicants.

Bryan Lin
Legal Examiner
PCT Legal Administration

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.
12/660,894	03/05/2010	Louis Bookbinder	3800020.00249 / 3077	6947

77202 7590 03/14/2011

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

EXAMINER	
ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
03/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

Applicant: Bookbinder et al.
Appl. No.: 12/660,894
Filing Date: March 5, 2010
Title: TEMPERATURE SENSITIVE MUTANTS OF MATRIX METALLOPROTEASES AND USES THEREOF
Attorney Docket No.: 3800020.00249 / 3077
Pub. No.: US 2010/0284995 A1
Pub. Date: November 11, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 28, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant filed the request via the United States Postal Service. 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: 03/15/2011 KKING1
03/02/2011 CCHAU1 00000054 021818 12660894
01 FC:1505 300.00 CR

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.
12/660,894	03/05/2010	Louis Bookbinder	33320.03077.US03/3077	6947

13565 7590 08/04/2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER	
ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
08/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND
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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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AUG 04 2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Bookbinder et al.
Serial No.: 12/660,894
Filed: March 5, 2010
Attorney Docket No:
33320.03077.US03/3077

: PETITION DECISION

This is in response to the petition filed on July 5, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on May 13, 2010; July 14, 2010; and April 19, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on May 13, 2010; July 14, 2010; and April 19, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on May 13, 2010; July 14, 2010; and April 19, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (May 13, 2010, "Transmittal Letter" of 4 pages; July 14, 2010, "Transmittal Letter" of 2 pages; and April 19, 2011, "Transmittal Letter" of 4 pages). Consequently, the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statement of May 13, 2010; July 14, 2010; and April 19, 2011.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of May 13, 2010; July 14, 2010; and April 19, 2011 which was misclassified in PAIR as a "Transmittal Letter" (May 13, 2010, "Transmittal Letter" of 4 pages; July 14, 2010, "Transmittal Letter" of 2 pages; and April 19, 2011, "Transmittal Letter" of 4 pages).

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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.
12/660,903	03/08/2010	William D. Gramling		6685

7590 09/08/2011

William Dr. Gramling
1960 Eldon Road
Montoursville, PA 17754

EXAMINER	
COLLINS, TIMOTHY D	
ART UNIT	PAPER NUMBER
3644	
MAIL DATE	DELIVERY MODE
09/08/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ALAN WANDERER
1360 NELSON ROAD
BOZEMAN MT 59718

MAILED

MAR 07 2011

OFFICE OF PETITIONS

In re Application of :
Wanderer :
Application No. 12/660,981 : DECISION ON PETITION
Filed: March 9, 2010 :
Atty. Dkt. No.: RATIONALE FOR IL-1 BETA :
TARGETED THERAPY IN SICKLE CELL :
DISEASE FOR ISCHEMIA-REPERFUSION :
INDUCED COMPLICATIONS

This is a decision on the petition under 37 CFR 1.137(a) filed December 28, 2010.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the small entity fee required by law currently is $270.00.

The instant petition lacks the required fee. Accordingly, the petition has not been addressed on the merits.

Any renewed petition must be accompanied by the required petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
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

MAILED

JUN 06 2011

OFFICE OF PETITIONS

ALAN WANDERER
1360 NELSON ROAD
BOZEMAN MT 59718

In re Application of :
Wanderer :
Application No. 12/660,981 : DECISION ON PETITION
Filed: March 9, 2010 :
Atty. Dkt. No.: RATIONALE FOR IL-1 BETA :
TARGETED THERAPY IN SICKLE CELL :
DISEASE FOR ISCHEMIA-REPERFUSION :
INDUCED COMPLICATIONS

This is a decision on the renewed petition under 37 CFR 1.137(a) filed March 11, 2011.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

Prior to a decision on the merits of the petition submitted herewith, petition is requested to clarify the relief sought. Wherein petition asserts the delay at issue was UNAVOIDABLE, petitioner herein further asserts that the delay was also UNINTENTIONAL.

Petitioner is advised that a petition under 37 CFR 1.137(a) requires as follows:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(l);
(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section

A petition under 37 CFR 1.137(b) requires as follows:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

To date, petition has submitted a petition fee in the amount of $270.00. As the petition fee is not subject to refund, petitioner is asked to affirmatively elect treatment pursuant to 37 CFR 1.137(a).

If petition is seeking relief pursuant to 37 CFR 1.137(b), petition is advised that the petition fee is currently $810.00 for a small entity.

Enclosed please find forms which petitioner may elect to utilize to clarify the relief sought.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
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

WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BLVD
GLENDALE CA 91208

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Gerald A. Niznick
Application No. 12/660,986
Filed: March 9, 2010
Attorney Docket No. D9470

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 30, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from applicant's representative that he is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3732 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CARVER PATENT LAW, LTD.
2024 ARKANSAS VALLEY DRIVE
SUITE 800
LITTLE ROCK, AR 72212

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of
J. Dewayne Allen, et al.
Application No. 12/661,007
Filed: March 9, 2010
Attorney Docket No. 9802-CIP

DECISION ON PETITION

This is a decision on the petition, filed December 20, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) mailed March 25, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on December 9, 2010.

Petitioner asserts that the Office action dated March 25, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the status of the examination or status of this should be directed to the Office of Patent Application Processing at their hotline 571-272-4200.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received with the petition December 20, 2010.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL G. SHARIFF ESQ.
SHARIFF & YATOOMA, PLC
1010 PARKWAY TRAIL
BLOOMFIELD HILLS MI 48302

MAILED

SEP 2 1 2010

OFFICE OF PETITIONS

In re Application of :
LAVROV, Egor et al. :
Application No. 12/661,013 : DECISION ON PETITION
Filed: March 09, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. **06789.0001** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 30, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Gennadiy Zingarevich, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2173 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD A. WALKER
McKOON, WILLIAMS & HAUN
12600 DEERFIELD PARKWAY, SUITE 100
ALPHARETTA, GA 30004

MAILED

JAN 11 2012

OFFICE OF PETITIONS

In re Application of :
King Poh Yeap, et al. :
Application No. 12/661,024 : DECISION ON PETITION
Filed: March 9, 2010 :
Attorney Docket No. FG001.0001 :

This is a decision on the petition, filed November 4, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of February 4, 2011, which set a one (1) month or thirty (30) day(s) (or whichever is longer) shortened statutory period for reply. Accordingly, a reply was due on or before March 4, 2011.

Petitioner states that a timely reply was mailed via certificate of mailing on March 2, 2011, which included the following papers: an amendment and transmittal form. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated March 2, 2011, which would have rendered the reply timely if received. The original reply is in the file

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of February 4, 2011 is hereby **withdrawn** and the application **restored to pending status**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3711 for appropriate action in the normal course of business on the reply received with petition.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

MAY 17 2011

OFFICE OF PETITIONS

Klarquist Sparkman LLP
121 SW Salmon Street, Suite 1600
Portland OR 97204

In re Application of :
Halina Offner et al. :
Application No. 12/661,038 : DECISION ON PETITION
Filing Date: March 8, 2010 :
Attorney Docket No. **100127-002710US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 19, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisonal Application (Notice), mailed June 21, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 22, 2010.

The petition is hereby **GRANTED**.

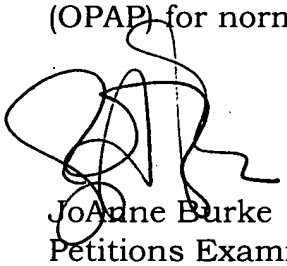
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $540 for excess of 100 pages fee (2) the petition fee of 1,620 (3) a proper statement of unintentional delay.

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

that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing (OPAP) for normal course of business.



JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/661,065	03/10/2010	Hidehiko Kumazawa	4041J-001672/US	2849

7590 03/20/2012

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
JAVAID, JAMAL	
ART UNIT	PAPER NUMBER
2474	
MAIL DATE	DELIVERY MODE
03/20/2012	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/661,104	03/09/2010	Eric H. Michelman	CCBR-1-2604	7251

25315 7590 01/06/2011

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

EXAMINER	
ART UNIT	PAPER NUMBER
2174	

NOTIFICATION DATE	DELIVERY MODE
01/06/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing-patent@blacklaw.com
blgdocketing@blacklaw.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

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

In re Application of:
MICHELMAN, Eric
Application No. 12/661,104
Filed: March 9, 2010
For: **MODELLING RELATIONSHIPS WITHIN AN ON-LINE CONNECTIVITY UNIVERSE**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on November 9, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1-6, 10-17, 19-22, 24 and 26A-26F be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1-6, 10-17, 19-22, 24 and 26A-26F. The amendment to the specification filed November 9, 2010 contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

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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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED

SEP 16 2010

OFFICE OF PETITIONS

In re Application of :
Heinrich Roder, et al. :
Application No.: 12/661,129 :
Filed: March 10, 2010 :
Attorney Docket No.: 08-775-CON :

ON PETITION

This is a decision on the petition, filed September 14, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 9, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1797 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/661,137	Filing date:	March 10, 2010
First Named Inventor:	Stephen Michael Lord		
Title of the Invention:	Apparatus For Restarting A Gas-Solids Contractor		

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/US2011/000126

The international filing date of the corresponding PCT application(s) is/are: 24 January 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/661,137
First Named Inventor:	Stephen Michael Lord

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
		(A copy of the U.S. and PCT claims which are exactly the same is attached)

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Stephen M. Lord	Date 11/23/2011
Name (Print/Typed) Stephen Michael Lord	Registration Number 32092

UNITED STATES 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 MICHAEL LORD
109 PEPPERTREE LANE
ENCINITAS CA 92024

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of
Stephen Michael Lord
Application No.: 12/661,137
Filed: March 10, 2010
Attorney Docket No.: 501LL-26-012
For: APPARATUS FOR RESTARTING A GAS-SOLIDS CONTRACTOR

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 15, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;
2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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://uspto.gov/ebc/index.html.

/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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/661,194	03/12/2010	Mitsuo Konno	OBA-46541US1	5663

116 7590 03/23/2012

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER	
MILLER, ROSE MARY	

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
03/23/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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In re Application of KONNO ET AL.
Appl. No.: 12/661,194
Filed: March 12, 2010
For: DETECTION SENSOR

DECISION ON PETITION
37 CFR 1.84 (b)(2)

This is a decision in response to the petition filed March 12, 2010 in the above-identified application. Petitioner request that color drawings be accepted in accordance with 37 CFR 1.84(a)(2).

The petition states that color drawings are necessary to properly visualize results of simulating a vibration vector by finite element method.

The papers filed on March 12, 2010 fulfill the requirements set forth in 37 CFR 1.84(a)(2) and the petition is granted.

SUMMARY: The petition is granted.

Hezron E. Williams
Supervisory Patent Examiner
Patent Examining Technology Center 2800

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SHUMAKER LOOP & KENDRICK
101 E. KENNEDY
SUITE 2800
TAMPA FL 33672-0609

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Dupont	:	
Application No. 12/661,197	:	DECISION GRANTING PETITION
Filed: March 12, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. D66666-137291	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 18, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 2, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1661 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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SHUMAKER LOOP & KENDRICK
101 E. KENNEDY
SUITE 2800
TAMPA FL 33672-0609

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Dupont, Sr.	:	
Application No. 12/661,198	:	DECISION GRANTING PETITION
Filed: March 12, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. D66666-137294	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 18, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 4, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1661 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/661,202	03/12/2010	Cosimo Conterno	1586-034	1616

7590 07/05/2011

HEDMAN & COSTIGAN, P.C.
1230 AVENUE OF THE AMERICAS
7th floor
NEW YORK, NY 10020

EXAMINER
HINDENLANG, ALISON L

ART UNIT	PAPER NUMBER
1744	

NOTIFICATION DATE	DELIVERY MODE
07/05/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 30, 2011

HEDMAN & COSTIGAN, P.C.
1230 AVENUE OF THE AMERICAS
7th floor
NEW YORK NY 10020

In re Application of	:	
Conterno, Cosimo	:	**DECISION ON PETITION**
Application No. 12/661,202	:	
Filed: 03/12/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1586-034	:	***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) March 12, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

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SHUMAKER LOOP & KENDRICK
101 E. KENNEDY
SUITE 2800
TAMPA FL 33672-0609

MAILED

APR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Dupont, Sr.	:	
Application No.: 12/661215	:	DECISION ON
Filing or 371(c) Date: 03/12/2010	:	PETITION
Attorney Docket Number: D66666-137292	:	

This is a decision in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed February 15, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to file a complete and proper reply to the Notice to File Corrected Application Papers ("Notice"), mailed March 31, 2010. The Notice required replacement drawings, and set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. Applicants filed a reply on June 4, 2010; however, the reply required a one (1) month extension of time to have been considered timely. Applicants filed a one (1) month extension of time request and fee on July 15, 2010; however, at that time the reply required a two (2) month extension of time and fee[1]. No complete and proper reply having been received, the application became abandoned on June 1, 2010. A Notice of Abandonment was mailed December 13, 2010.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (filed June 4, 2010); (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Application Processing for processing of the reply, and for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

[1] Petitioner may request a refund of the extension of time fee by writing to the Office of Finance, Refund Section.

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Alexandria, VA 22313-1450
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MICHAEL J. COLITZ, JR.
640 DOUGLAS AVENUE
DUNEDIN FL 34698

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application of :
Darrell D. Triggs :
Application No. 12/661,218 : ON PETITION
Filed: March 12, 2010
Attorney Docket No. TJ 08/02 :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 10, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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JONES & SMITH, LLP
2777 ALLEN PARKWAY, SUITE 1000
HOUSTON, TX 77019-2141

MAILED
AUG 05 2011
OFFICE OF PETITIONS

In re Application of
Johnson et al.
Application No. 12/661,259
Filed: March 13, 2010
Attorney Docket No. 3080.007

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 15, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/389,357 filed June 17, 2002, set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(5)(ii). *See* 35 U.S.C. § 119(e).

The intermediate nonprovisional application, Application No. 10/460,641 was filed on June 13, 2003, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/389,357, which was filed on June 17, 2002, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted as it improperly includes the signature and address of the signing practitioner. Petitioner should note that in accordance with 37 CFR 1.71 (f) the specification must commence on a separate sheet. Each sheet including part of the specification may not include other parts of the application or other information that is not related to applicant's invention.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] deleting information that is not related to the invention herein, along with a renewed petition under 37 CFR 1.78(a)(6), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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SEP 09 2011

OFFICE OF PETITIONS

JONES & SMITH, LLP
2777 ALLEN PARKWAY, SUITE 1000
HOUSTON TX 77019-2141

In re Application of	:	
Johnson et al.	:	
Application No. 12/661,259	:	DECISION ON PETITION
Filed: March 13, 2010	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 3080.007	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed August 11, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit to a prior-filed provisional application, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional application has been included in an amendment, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the prior-filed

provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2878 for appropriate action on the Amendment submitted August 11 2011, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/661,259	03/13/2010	2878	817	3080.007	20	3

CONFIRMATION NO. 7746

CORRECTED FILING RECEIPT

54487
JONES & SMITH, LLP
2777 ALLEN PARKWAY, SUITE 1000
HOUSTON, TX 77019-2141

OC000000049708682

Date Mailed: 09/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Stanley P. Johnson, Simsbury, CT;
Lawrence J. Zagorsky, Lincoln, RI;

Power of Attorney: The patent practitioners associated with Customer Number 54487

Domestic Priority data as claimed by applicant

This application is a CON of 11/391,521 03/27/2006 PAT 7,745,805
which is a CIP of 10/460,941 06/13/2003 PAT 7,227,163
which claims benefit of 60/389,357 06/17/2002

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/29/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/661,259**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

APPARATUS AND METHODS FOR MEASURING AT LEAST ONE PHYSICAL CHARACTERISTIC OF A THREADED OBJECT

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NOV 24 2010

OFFICE OF PETITIONS

David B. Bathurst
19857 Susan Ct.
Clinton Twp. MI 48035

In re Application of :
David B. Bathurst, et al. :
Application No. 12/661,283 : DECISION ON PETITION
Filed: March 15, 2010 : TO MAKE SPECIAL UNDER
: 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 7, 2010, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **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 any 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.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION

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 Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3751 for action in its regular turn.

/David Bucci/
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

MAY 09 2011

OFFICE OF PETITIONS

John F. Vodopia, PC
119 New York Avenue
Huntington NY 11743

In re Application of
Bellontine
Application No. 12/661,289
Filed: March 15, 2010
Attorney Docket No. **V0088**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on June 6, 2010, for failure to respond to the Notice to File Corrected Application Papers mailed April 5, 2010. A Notice of Abandonment was mailed December 17, 2010.

The replacement drawings filed March 31, 2010, are noted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 25 2011

OFFICE OF PETITIONS

HORST M. KASPER
13 FOREST DRIVE
WARREN NJ 07059

In re Application of
Nowak, et al.
Application No. 12/661,298
Filed: March 15, 2010
Attorney Docket No. **WOJ201**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on June 3, 2010, for failure to respond to the Notice to File Corrected Application Papers mailed April 2, 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 replacement abstract; (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/661,307	03/15/2010	Jacobus De Bruijn	1610-001PP	7240

32905 7590 09/07/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
PARA, ANNETTE H	

ART UNIT	PAPER NUMBER
1661	

NOTIFICATION DATE	DELIVERY MODE
09/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 0 7 2011

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Jacobus de Bruijn
Serial No.: 12/661,307
Filed: March 15, 2010
Attorney Docket No.: **1610-001PP**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed August 25, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 25, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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Paper No.

MAILED

APR 25 2011

OFFICE OF PETITIONS

TONY XIN XIAO
4652 Lombardy Court
Chino CA 91710

In re Application of	:	
XIAO	:	
Application No. 12/661,313	:	DECISION ON PETITION
Filed: March 15, 2010	:	PURSUANT TO
Attorney Docket No.: TX2010-1	:	37 C.F.R. § 1.137(B)
Title: APPARATUS FOR OF RIMLESS SPECTACLES	:	

This is a decision on the petition, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on January 10, 2011.

This petition is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed April 6, 2010, which set a shortened statutory period for reply of two months and required a substitute specification in compliance with, *inter alia*, 37 C.F.R. §§ 1.121(b)(3) and 1.125. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 7, 2010. A notice of abandonment was mailed on December 17, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted a substitute specification, the petition fee, and the proper statement of unintentional delay.

The second and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement is not applicable, as a terminal disclaimer is not required.[1]

The electronic file has been reviewed, and an amendment directing the entry of the substitute specification has not been located. It follows that the requirements of 37 C.F.R. § 1.121(b)(3)[2] have not been met. Moreover, it is noted that the substitute specification fails to comply with 37 C.F.R. § 1.125(b),[3] in that it has not been accompanied by a statement that the substitute specification contains no new matter. It follows that the first requirement of Rule 1.137(b) has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.[4] In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R.

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1 See Rule 1.137(d).

2 Rule 1.121(b)(3) sets forth, *in toto*: "[s]ubject 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."

3 Rule 1.125(b) sets forth, *in toto*: "[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."

4 See M.P.E.P. § 711.03(c).

§ 1.137(b)(1), *i.e.*, **an amendment which directs the entry of the substitute specification along with a statement directed towards the absence of the inclusion of new matter.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[9]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300- please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
9 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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MAILED
JUL 07 2011
OFFICE OF PETITIONS

Paper No.

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

In re Application of	:	
XIAO	:	
Application No. 12/661,313	:	DECISION ON RENEWED PETITION
Filed: March 15, 2010	:	PURSUANT TO
Attorney Docket No.: TX2010-1	:	37 C.F.R. § 1.137(B)
Title: APPARATUS FOR OF RIMLESS SPECTACLES	:	

This is a decision on the renewed petition, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on May 23, 2011.

This renewed petition is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed April 6, 2010, which set a shortened statutory period for reply of two months and required a substitute specification in compliance with, *inter alia*, 37 C.F.R. §§ 1.121(b)(3) and 1.125. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 7, 2010. A notice of abandonment was mailed on December 17, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on January 10, 2011, along with a substitute specification, the petition fee, and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on April 25, 2011, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, and that the fourth requirement is not applicable, as a terminal disclaimer is not required.[1] The decision further indicated, *in pertinent part*:

> The electronic file has been reviewed, and an amendment directing the entry of the substitute specification has not been located. It follows that the requirements of 37 C.F.R. § 1.121(b)(3)[2] have not been met. Moreover, it is noted that the substitute specification fails to comply with 37 C.F.R. § 1.125(b),[3] in that it has not been accompanied by a statement that the substitute specification contains no new matter. It follows that the first requirement of Rule 1.137(b) has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.[4] In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1), *i.e.*, **an amendment which directs the entry of the substitute specification along with a statement directed towards the absence of the inclusion of new matter.**

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1 See Rule 1.137(d).

2 Rule 1.121(b)(3) sets forth, *in toto*: "[s]ubject 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."

3 Rule 1.125(b) sets forth, *in toto*: "[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."

4 See M.P.E.P. § 711.03(c).

Decision on original petition, pages 2-3. Emphasis included.

With this renewed petition, Petitioner has included a substitute specification along with a statement that the substitute specification contains no new matter. However, an amendment directing the entry of the substitute specification has not been located in the electronic file.

It follows that the first requirement of Rule 1.137(b) has not been satisfied. On second renewed petition, **Petitioner should submit an amendment directing the entry of the substitute specification.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included – adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[9]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300: please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
9 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of :
XIAO :
Application No. 12/661,313 : DECISION ON SECOND RENEWED
Filed: March 15, 2010 : PETITION PURSUANT TO
Attorney Docket No.: TX2010-1 : 37 C.F.R. § 1.137(B)
Title: APPARATUS FOR OF RIMLESS :
SPECTACLES :

This is a decision on the second renewed petition, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on July 22, 2011.

This second renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed April 6, 2010, which set a shortened statutory period for reply of two months and required a substitute specification in compliance with, *inter alia*, 37 C.F.R. §§ 1.121(b)(3) and 1.125. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 7, 2010. A notice of abandonment was mailed on December 17, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on January 10, 2011, along with a substitute specification, the petition fee, and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on April 25, 2011, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, and that the fourth requirement is not applicable, as a terminal disclaimer is not required.[1] The decision further indicated that both an amendment which directs the entry of the substitute specification along with a statement directed towards the absence of the inclusion of new matter would be required.

A renewed petition, pursuant to 37 C.F.R. § 1.137(b) was filed on May 23, 2011, along with a substitute specification and a statement that the substitute specification contains no new matter. The renewed petition was dismissed via the mailing of a decision on July 7, 2011, which indicated that an amendment directing the entry of the substitute specification had not been included with the renewed petition.

With this second renewed petition, Petitioner has included a substitute specification, a statement that the substitute specification contains no new matter, and an amendment directing the entry of the substitute specification.

It follows that the first requirement of Rule 1.137(b) has been satisfied.

The first three requirements of Rule 1.137(b) have been met.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is

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1 See Rule 1.137(d).

noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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CHARLES EDWARD MC KNIGHT
103 LOCKWOOD STREET
SALEM IN 47167

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Charles Edward McKnight :
Application No. 12/661,325 : ON PETITION
Filed: March 15, 2010 :
Title: Closet Shield :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 16, 2011.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704. No additional petition fee is required on renewed petition.

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Corrected Application Papers mailed September 24, 2010. This Notice set an extendable period for reply of two (2) months for applicant to submit a substitute specification. A substitute specification was needed because the line spacing in the earlier filed specification was not 1 ½ or double spaced. In addition, the earlier filed specification did not contain a brief description of the several views of the drawings. The Notice instructed applicant that the substitute specification must contain a statement that it contained no new matter. Furthermore, it set an extendable period for reply of two (2) months.

On January 20, 2011, applicant filed a response, consisting of a 1 page Abstract a 2 pages of drawings. However, the January 20,

As such, it was not timely filed. Nevertheless, the Office mailed a Notice of Incomplete Reply on February 3, 2011, requiring a substitute specification and stating that the period for reply continued to run from the mail date of the September 24, 2010 Notice to File Corrected Application Papers. On April 11, 2011, applicant filed a two month extension of time, presumably to make the January 20, 2011 reply timely. The Office mailed another Notice of Incomplete Reply on April 21, 2011, still requiring a substitute specification. Applicant filed a substitute specification on May 2, 2011, accompanied by a five month extension of time. However, the last day a reply with a five month extension of time could have been filed was April 24, 2011. As such, the May 2, 2011 reply was not timely filed. The Office mailed a Notice of Abandonment on May 9, 2011.

With the instant petition, applicant has paid the fee for a petition to revive and made the proper statement of unintentional delay. However, applicant has not submitted the required reply in that applicant has not filed a substitute specification. Applicant's substitute specification filed May 2, 2011 is not acceptable because it does not contain a brief description of the several views of the drawings, and in addition it does not contain a statement that it "contains no new matter" (rather, the May 2, 2011 specification contained a statement that "there are no changes to the original patent application").

On renewed petition, applicant must submit a substitute specification correcting the deficiencies noted above.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES EDWARD MC KNIGHT
103 LOCKWOOD STREET
SALEM IN 47167

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Charles Edward McKnight	:	
Application No. 12/661,325	:	ON PETITION
Filed: March 15, 2010	:	
Title: Closet Shield	:	

This is in response to the papers filed July 14, 2011, which are being treated as a renewed petition under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Corrected Application Papers mailed September 24, 2010. This Notice set an extendable period for reply of two (2) months for applicant to submit a substitute specification. A substitute specification was needed because the line spacing in the earlier filed specification was not 1 ½ or double spaced. In addition, the earlier filed specification did not contain a brief description of the several views of the drawings. The Notice instructed applicant that the substitute specification must contain a statement that it contained no new matter. Furthermore, it set an extendable period for reply of two (2) months.

On January 20, 2011, Applicant filed a response, consisting of a 1 page Abstract and 2 pages of drawings. However, the January 20, 2011 reply was not accompanied by a two month extension of time. As such, it was not timely filed. Nevertheless, the Office mailed a Notice of Incomplete Reply on February 3, 2011, requiring a substitute specification and

stating that the period for reply continued to run from the mail date of the September 24, 2010 Notice to File Corrected Application Papers. On April 11, 2011, applicant filed a two month extension of time, presumably to make the January 20, 2011 reply timely. The Office mailed another Notice of Incomplete Reply on April 21, 2011, still requiring a substitute specification. Applicant filed a substitute specification on May 2, 2011, accompanied by a five month extension of time. However, the last day a reply with a five month extension of time could have been filed was April 24, 2011. As such, the May 2, 2011 reply was not timely filed. The Office mailed a Notice of Abandonment on May 9, 2011.

On May 16, 2011, Applicant filed a petition to revive under 37 CFR 1.137(b). With the petition, applicant paid the petition fee and made the proper statement of unintentional delay. However, the petition was dismissed because applicant did not submit a substitute specification. Applicant's substitute specification filed May 2, 2011 was not acceptable because it did not contain a brief description of the several views of the drawings, and in addition it does not contain a statement that it "contains no new matter" (rather, the May 2, 2011 specification contained a statement that "there are no changes to the original patent application").

With the instant renewed petition, Applicant has submitted a substitute specification. The substitute specification contains a brief description of the drawings, as well as a statement that it "contains no new matter".

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the substitute specification filed July 14, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Leon Gorbaty :
Application No. 12/661,507 : ON PETITION
Filed: March 18, 2010 :
Attorney Docket No. LJG-PT001.1 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers (Notice) mailed August 5, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on October 6, 2010.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

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
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DEC 08 2010

OFFICE OF PETITIONS

HOLLAND & HART LLP (LANX INC)
INTELLECTUAL PROPERTY DEPARTMENT
PO BOX 8749
DENVER CO 80201-8749

In re Application of	:	
Stoll, et al.	:	
Application No. 12/661,549	:	DECISION REFUSING
Filing Date: March 18, 2010	:	STATUS UNDER § 1.47(a)
Attorney Docket No.	:	
49272.830076.US1		

This is in response to the petition under 37 CFR 1.47(a), filed November 8, 2010.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known

address of the non-signing inventor(s). The instant petition does not satisfy requirement (1).

As to requirement (1), petitioner has not set forth any facts to support the conclusion that the inventor Binder refused to sign the declaration or could not be located. It appears that one or more pages of the petitioner was not submitted or received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLLAND & HART LLP (LANX INC)
INTELLECTUAL PROPERTY DEPARTMENT
PO BOX 8749
DENVER CO 80201-8749

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Stoll, et al. :
Application No. 12/661,549 : DECISION ACCORDING
Filing Date: March 18, 2010 : STATUS UNDER § 1.47(a)
Attorney Docket No. :
49272.830076.US1

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 22, 2010.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Rule 47 applicant has demonstrated that inventor Binder has refused to sign the declaration after having been presented with the application papers.

The petition and declaration have been reviewed and determined to be in compliance with 37 CFR 1.47(a).

The application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the address provided in the declaration. Notice will also be provided in the Official Gazette.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAWRENCE BINDER
8345 NW 66TH ST
UNIT 3507
MIAMI FL 33166

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Stoll, et al. :
Application No. 12/661,549 :
Filed: March 18, 2010 : LETTER
Title: Posterior Lumbar Fusion

Dear Mr. Binder:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint 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, agent of record 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 Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of :
CHATURVEDI, et al :
Application No. 12/661,587 : DECISION ON PETITION
Filed: March 18, 2010 :
Attorney Docket No. 11403/104 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 12, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 13, 2010. A Notice of Abandonment was mailed May 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly signed declaration, (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $2350 extension of time fee submitted with the petition on June 30, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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MAY 04 2011

OFFICE OF PETITIONS

TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO CA 92121

In re Application of	:	
Tigli et al.	:	
Application No. 12/661,622	:	ON PETITION
Filed: March 18, 2010	:	
Attorney Docket No. 931	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings and a Preliminary Amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2883 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Aug-10

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Atsuo Hiroe	:	
Application Number: 12/661635	:	DECISION DISMISSING PETITION
Filing Date: 03/22/2010	:	AS MOOT
Attorney Docket Number: SONYJP 3.0-2198	:	

This is a decision on the "PETITION TO ACCORD FILING DATE UNDER 37 C.F.R. 1.10(c)," filed on May 7, 2010, requesting that the above-identified application be accorded a filing date of March 22, 2010.

A review of the Office PALM records reveals that this application has been accorded a filing date of March 22, 2010.

As the application has been accorded a filing date of March 22, 2010, the present petition is unnecessary and will be dismissed as involving a moot issue.

No petition fee is due.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GEORGE E BULLWINKEL
425 WOODSIDE AVENUE
HINSDALE IL 60521

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Rado :
Application No. 12/661,657 : ON PETITION
Filed: March 20, 2010 :
Attorney Docket No. ZR-2 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed December 30, 2010.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers mailed April 14, 2010. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on June 15, 2010. The Office mailed a Notice of Abandonment on December 23, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

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."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he did not receive the April 14, 2010 Notice.

To establish non receipt of an office action, a practitioner must:

> state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar;**

---

[1] In re Mattulath, 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 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

reminder system; or the individual docket record for the application in question.[3]

Accordingly, on renewed petition, petitioner should submit a copy of a master docket report showing all replies docketed for a due date of June 14, 2010. If no such master docket report exists, petitioner should so state for the record, and submit other evidence as set forth above. No additional petition fee is due on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[3] MPEP 711.03(c)(II) (emphasis added).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GEORGE E BULLWINKEL
425 WOODSIDE AVENUE
HINSDALE IL 60521

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Rado	:	
Application No. 12/661,657	:	ON PETITION
Filed: March 20, 2010	:	
Attorney Docket No. ZR-2	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed January 31, 2011.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Corrected Application Papers mailed April 14, 2010. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings. No drawings having been received, the application became abandoned on June 15, 2010. The Office mailed a Notice of Abandonment on December 23, 2010. Applicant filed a petition to revive under 37 CFR 1.137(a) on December 30, 2010, arguing that he did not receive the Notice to File Corrected Application Papers. However, the petition was dismissed in a decision mailed on January 18, 2011. The decision concluded that petitioner had not established non-receipt of the Notice.

With the instant renewed petition, petitioner has submitted a copy of a "master docket report", showing all of his replies docketed for a date of May 14, 2010 (specifically, petitioner included print-outs of a calendar showing all of his replies docketed for a due date from the period of April, 2010 to December 2010). Accordingly, it is concluded that petitioner has established that he did not receive the April 14, 2010 Notice.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the replacement drawings previously filed on January 3, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DENNIS L. KREPS
6274 CARDINAL LANE
COLUMBIA, MD 21044

MAILED
JAN 07 2011

OFFICE OF PETITIONS

In re Application of :
Nicholas TUTT :
Application No. 12/661,696 : DECISION ON PETITION TO MAKE
Filed: March 23, 2010 : SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. **TUTT001** :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification of inventor Nicholas Tutt, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Monica A. Graves/
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

August 9, 2011

Georgia-Pacific LLC
133 Peachtree Street NE - GA030-41
ATLANTA GA 30303

Re Application of
LUU, PHUONG V., ET AL
Application: **12/661706**
Filed: **03/23/2010**
Attorney Docket No: **12376 C1C1 (GP-01-24-2)**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 23, 2010.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 04 2010

OFFICE OF PETITIONS

Alexander L. Burd
3 Braintree Court
Suffield CT 06078

In re Application of	:	
Alexander L. Burd et al.	:	
Application No. 12/661,764	:	DECISION ON PETITION
Filed: March 24, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 10, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by inventor Alexander L. Burd attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2837 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

MAILED

OCT 25 2011

OFFICE OF PETITIONS

In re Application of :
Glenn Tobias :
Application No. 12/661,793 : DECISION GRANTING PETITION
Filed: March 24, 2010 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 49310 . 019 :

This is a decision on the petition, filed October 7, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 23, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being forwarded to Technology Center Art Unit 3788 for examination in due course.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/661,793	03/24/2010	Glenn Tobias	49310 . 019

CONFIRMATION NO. 1126

21907
ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA, CA 91356-3346

NONPUBLICATION RESCISSION LETTER

Date Mailed: 10/25/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/02/2012.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jolszewski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/661,856	03/25/2010	Barrett Richard Bobsein	69498	4183

7590 12/06/2010

ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

EXAMINER	
CHIN, HUI H	
ART UNIT	**PAPER NUMBER**
1762	
MAIL DATE	**DELIVERY MODE**
12/06/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☑ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUTZEL LONG
SUITE 1100
110 WEST MICHIGAN AVE
LANSING MI 48933

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of :
Khavari, et al. :
Application No. 12/661,858 :
Filed: March 25, 2010 :
Attorney Docket Number: Terra Tel.4.1-1 141503-3:

DECISION
ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed March 25, 2010, 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 2839.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 2 8 2010

OFFICE OF PETITIONS

PETER MISKECH
26473 Lucky Stone Road, #201
Bonita Springs FL 34135

In re Application of	:	
Peter Miskech	:	
Application No. 12/661,864	:	DECISION ON PETITION
Filed: March 25, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by inventor Peter Miskech attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3764 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NICK SCHMADER
1205 PROPPS NE
ABQ NM 87112

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Nicholas M. Schmader :
Application No. 12/661,913 : ON PETITION
Filed: March 26, 2010 :
Attorney Docket No. :

This is in response to the communications, filed January 28, 2011, requesting an appeal and supplemented on March 28, 2011, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On May 5, 2010, the Office mailed a Notice to File Corrected Application Papers (Notice), which set a two (2) month shortened statutory period to reply. A filing receipt was also mailed on the same date. The Office records do not indicate receipt of a response to the Notice. On January 19, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice. Specifically, petitioner states in the communication of January 28, 2011 that he "received two letters from the USPTO. The first one was dated May 5, 2010. In it was a confirmation No. 8191 Filing receipt consisting of three sheets. The second letter was dated January 19, 2011 consisting of an Abandonment/Termination letter." Petitioner also states that "all [his] paperwork that relate to this non-provisional application are filed in one specific drawer in [his] desk, and [he] keep[s] all records very organized . . ." In the communication submitted on March 28, 2011, petitioner states that the he was told that the Notice of May 5, 2010, "was returned to the USPTO as 'non-deliverable'." However, the Notice was not returned to the USPTO. The submission filed by the petitioner on January 28, 2011was improperly coded as "Returned Mail".

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of May 5, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after May 5, 2010, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Notice mailed by the Office, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after May 5, 2010; the period when he would have received the Notice.

In the present petition, petitioner submitted copies of the envelopes mailed from the USPTO. However, the evidence does not show that the Notice was not in fact received. Petitioner should submit any statements, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO including documentary evidence for the same to show he did not receive the Notice. As the request by the petitioner lacks the requisite evidence, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Notice accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to JoAnne Burke at (571) 272-4584.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Notice dated May 5, 2010.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/661,913	03/26/2010	Nicholas M. Schmader	

CONFIRMATION NO. 8191

NICK SCHMADER
1205 PROPPS NE
ABQ, NM 87112

FORMALITIES LETTER

OC000000041356155

Date Mailed: 05/05/2010

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, and/or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).
- A replacement abstract commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/afessehaye/

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

NICK SCHMADER
1205 PROPPS NE
ABQ NM 87112

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of :
Nicholas M. Schmader :
Application No. 12/661,913 : ON PETITION
Filed: March 26, 2010 :
Attorney Docket No. :

This is in response to the renewed petition filed September 6, 2011, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (No Fee).

The petition is **GRANTED**.

On May 5, 2010, the Office mailed a Notice to File Corrected Application Papers (Notice), which set a two (2) month period to reply. A filing receipt was also mailed on the same date. The Office records do not indicate receipt of a response to the Notice. On January 19, 2011, the Office mailed a Notice of Abandonment.

Petitioner asserts that the Notice action dated May 5, 2010, was not received.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice. Petitioner states he never received the Notice of May 5, 2010. He acknowledges receipt of the Filing Receipt mailed on May 5, 2010.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he

reminds himself of response due dates and show that the due date for the Notice of May 5, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after May 5, 2010, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Notice mailed by the Office, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after May 5, 2010; the period when he would have received the Notice.

The evidence submitted with the instant petition indicates that the petitioner did not receive the Notice of May 5, 2010.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Patent Application Processing (OPAP) technical support staff for **re-mailing** the Notice of May 5, 2010. The period for reply will run from the mailing date of the Notice.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McKOON, WILLIAMS & HAUN
SUITE 100
12600 DEERFIELD PARKWAY
ALPHARETTA GA 30004

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
Devon C. Dieffenbach et al. :
Application No. 12/661,932 : DECISION ON PETITION
Filed: March 26, 2010 : TO WITHDRAW
Attorney Docket No. CB001.0001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 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 Daniel R. Collopy on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Cloudburst LLC,
c/o Joel B. Wall
700 Palmetto Tyrone Road
Sharpsburg, GA 30277

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
12/661,932	03/26/2010	Devon C. Dieffenbach	CB001.0001

CONFIRMATION NO. 7758

McKOON, WILLIAMS & HAUN
SUITE 100
12600 DEERFIELD PARKWAY
ALPHARETTA, GA 30004

POWER OF ATTORNEY NOTICE

OC000000052788487

Date Mailed: 02/27/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/06/2012.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

MAILED

MAR 23 2012

OFFICE OF PETITIONS

In re Application of	:	
Lawler et al.	:	
Application No. 12/661950	:	
Filing or 371(c) Date: 03/26/2010	:	DECISION ON
Attorney Docket Number: 912.1001	:	PETITION

This is a decision in response to the Petition to Revive Under 37 C.F.R. Section 1.137(b), filed February 13, 2012.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 26, 2011. The Office action set a shortened statutory reply period of three (3) months, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned August 27, 2011. A Notice of Abandonment was mailed January 19, 2012.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 1615 for processing of the Amendment filed with the petition, in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID J. ARCHER
7037 POMEROY RD
ROCKTON, IL 61072

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Williamson et al.	:	DECISION ON PETITION
Application No. 12/661,990	:	TO WITHDRAW
Filed: March 26, 2010	:	FROM RECORD
Attorney Docket No. 1508US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 25, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED.**

A review of the file record indicates that David J. Archer does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of David J. Archer not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the address listed below until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Neil Williamson
8691 North Newhill Avenue
Tucson AZ 85742

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Olivier SOULA et al.	:	
Application No. 12/662,036	:	DECISION ON PETITION
Filed: March 29, 2010	:	
Attorney Docket No. 141147	:	

This is a decision on the petition under 37 CFR 1.182, filed November 15, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 1654 for examination in due course.

Telephone inquiries regarding this decision should be directed to Michelle R. Eason at (571) 272- 4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

See Attached: 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
12/662,036	03/29/2010	1654	818	141147	23	1

CONFIRMATION NO. 1562

CORRECTED FILING RECEIPT

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Date Mailed: 01/03/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Olivier Soula, Meyzieu, FRANCE;
Remi Soula, Lyon, FRANCE;
Gerard Soula, Meyzieu, FRANCE;

Assignment For Published Patent Application

ADOCIA, Lyon, FRANCE

Power of Attorney: The patent practitioners associated with Customer Number 25944

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/202,692 03/27/2009

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
FRANCE 09/01478 03/27/2009

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 04/22/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/662,036**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Fast-acting insulin formulation

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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Bassam E. Khoury
3141 Pellaro Ct.
Pleasanton CA 94566

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of :
Khoury et al. :
Application No. 12/662,054 : ON PETITION
Filed: March 30, 2010 :
Title: HOOKAH COAL SCREEN (HCS) :
WITH SCREEN AND WIND :
GUARD/BRIM/SKIRT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition has **not** been reviewed on the merits because the petition has not been properly signed.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition has not been properly signed. Applicant Bassam Khoury is the only person who has signed the petition. The petition has not been signed by all of the applicants. To the extent

applicant purports to be the assignee of this application the requirements of 37 CFR 3.71 and 3.73(b) have not been met.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the electronic filing system (EFS).

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Bassam E. Khoury
3141 Pellaro Ct.
Pleasanton CA 94566

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of :
Khoury et al. :
Application No. 12/662,054 :
Filed: March 30, 2010 :
For: HOOKAH COAL SCREEN (HCS) :
WITH SCREEN AND WIND :
GUARD/BRIM/SKIRT :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 25, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers, which was mailed on April 23, 2010. The Notice to File Corrected Applications set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on June 24, 2010. A Notice of Abandonment was mailed on January 5, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a 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) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: OBO-013-P	Application Number (if known): 12/662,055	Filing date: 03/30/2010
First Named Inventor: Douglas H. Cornish		
Title: Magnetized Foucault Pendulum Electrical Energy Source		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date 1/31/2011
Name (Print/Typed) Mitchell B. Wasson	Registration Number 27,408

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	12/662,055
Applicant	:	Douglas H. Cornish
Filed	:	03/30/2010
Group Art Unit:		3723
Examiner	:	
Docket No.	:	OBO-013-P
Customer No.:		021884
Title	:	MAGNETIZED FOUCAULT PENDULUM ELECTRICAL ENERGY SOURCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

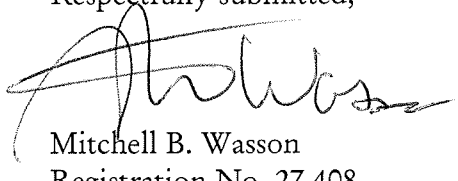
PETITION TO MAKE SPECIAL UNDER 37 CFR §1.102

Applicant hereby petitions to advance out of turn the examination of the above application based upon the fact that the present invention relates to the reduction of energy consumption in household appliances under Category B indicated in §708.02 in M.P.E.P., Section VI.

As described in the Summary of the Invention, the present invention utilizes a magnetized Foucault pendulum connected to a gear transmission device as well as an electrical generator. The portion of the current from the generator is transmitted to an electromagnet and the remaining portion of the electric current is transmitted to individual households or to a power grid.

As indicated in §1.102(c)(2)(ii), since the present invention contributes to the development or conservation of energy resources, no fee is required.

Respectfully submitted,



Mitchell B. Wasson
Registration No. 27,408

WELSH FLAXMAN & GITLER LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703) 920-1122

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.
12/662,055	03/30/2010	Douglas H. Cornish	0B0-013P	7108

21884 7590 02/08/2011
WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

EXAMINER	
GONZALEZ, JULIO C	
ART UNIT	**PAPER NUMBER**
2839	

MAIL DATE	DELIVERY MODE
02/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

In re Application of	:	
Douglas H. CORNISH	:	DECISION ON PETITION
Application No. 12/662,055	:	TO MAKE SPECIAL UNDER
Filed: March 30, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0B0-013P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 03, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition states that the present invention relates to the reduction of energy consumption in household appliances. However, it is not seen how the claimed invention can reduce energy consumption in household appliances. It should be noted that materiality standard is more efficient utilization and conservation of energy resources.

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 2839 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/662,087	03/30/2010	Mitesh Patel	31605.00	8845

37833 7590 03/16/2012

LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS, VA 20110

EXAMINER	
NGUYEN, THUKHANH T	
ART UNIT	**PAPER NUMBER**
1747	

MAIL DATE	DELIVERY MODE
03/16/2012	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

Mailed: 3/16/12

In re application of :
Patel et al. : DECISION ON
Serial No. 12/662,087 : PETITION
Filed: March 30, 2010 :
For: **SYSTEM FOR VACUUM FORMATION OF DENTAL APPLIANCE**

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on January 2, 2012 to withdraw the Finality of the Office Action mailed on December 21, 2011. Applicants assert that the Examiner in the Final Office Action makes a rejection under 35 USC 103(a) that was not necessitated by amendment.

In the initial office action, claims 1-20 were rejected under 35 USC 103(a) over Wrosz et al. in view of Graff. Claims 6-10 and 15-20 were further rejected under 35 USC 103(a) over Wrosz et al. and Graff in view of Sheridan. In response to the rejection, independent claims 1 and 11 were amended by Applicants to incorporate the optical sensor previously claimed in original claims 10 and 20. The dependent claims were then cancelled. It is noted that the Examiner rejected these claims (10 and 20) by stating that Wrosz et al. possessed the optical sensor. In response to the rejection, Applicants' amendment noted that Wrosz et al. lacked the claimed optical sensor.

The Examiner in the Final Rejection rejected claims 1-5 and 11-14 under 35 USC 103(a) over Wrosz et al. in view of Graff and Wyatt. Claims 6-9 and 15-19 were rejected under 35 USC 103(a) over Wrosz et al, Graff and Wyatt and in further view of Sheridan. The Examiner states that Wrosz et al. fails to disclose an optical sensor. Wyatt is cited for comprising an optical sensor. Applicants assert that is was not Applicants' amendment that necessitated the new reference but rather the fact that the Wrosz reference lacked the structure the Examiner contends it possessed.

Under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The Examiner's new rejection under 35 USC 103(a) was not necessitated by Applicants' amendment or based on information submitted in an information disclosure statement filed by Applicants.

DECISION

The petition is **GRANTED**.

The Finality of the Office Action is withdrawn. The period for response continues to run from the mail date of the rejection (December 21, 2011).

/Gladys JP Corcoran/
Director, Technology Center 1700

Gladys J. Corcoran, Director
Technology Center 1700
Chemical and Materials Engineering

wk

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MANASSAS VA 20110

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 19, 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
Mizue Ishikawa, et al	:	**DECISION ON PETITION**
Application No.12662100	:	
Filed: 03/31/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **356451US2SRD DIV**	:	***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) March 31, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/662,100	03/31/2010	Mizue Ishikawa	356451US2SRD DIV	3974

7590 04/21/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
NGO, NGAN V	
ART UNIT	PAPER NUMBER
2893	
NOTIFICATION DATE	DELIVERY MODE
04/21/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Hicks and Jensen	:	DECISION REFUSING STATUS
Application No. 12/662,144	:	UNDER 37 CFR 1.47(a)
Filed: 03/31/2010	:	
Attorney Docket No. 3918-0214PUS2	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 15, 2010.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is necessary for filing a request for reconsideration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1) as set forth above.

As to item (1), applicants assert that Knud Jensen, the non-signing inventor, refuses to sign the declaration and join in the present application. Applicants indicate that they provided the non-signing inventor with copies of the declaration; however, the non-signing inventor indicated he could not sign it.

Pursuant to MPEP 409.03(d)(II),

> 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.

In this instance, it does not appear that applicants provided Mr. Jensen with a complete copy of the application papers. To demonstrate that the Mr. Jensen refuses to join in the application,

applicants must show on renewed petition that they mailed a complete copy of the present nonprovisional application, including the specification, claims and drawings, to the non-signing inventor, personally or through his designated representative, and that he did not respond to or refused the request to sign the declaration. The circumstances of any refusal to join in the filing of the application must be made by all persons with firsthand knowledge of the event. Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System (EFS-Web) of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax VA 22033

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Hicks and Jensen	:	DECISION ACCORDING STATUS
Application No. 12/662,144	:	UNDER 37 CFR 1.47(a)
Filed: 03/31/2010	:	
Attorney Docket No. 3918-0214PUS2	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 14, 2011.

The petition under 37 CFR 1.47(a) is **granted**.

Applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor refused to join in the application.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being returned to the Office of Patent Application Processing.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kund Jensen
P.O. Box 695
21 Armstrong Crescent
Markdale, ON, N0C 1H0
CANADA

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of :
Hicks and Jensen :
Application No. 12/662,144 : LETTER
Filed: 03/31/2010 :
Attorney Docket No. 3918-0214PUS2 :

Mr. Jensen:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax VA 22033

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Khaled Karrai :
Application No. 12/662,159 :
Filed: April 1, 2010 : NOTICE
Attorney Docket No. **1690.1041** :

This is a notice regarding your request filed August 12, 2011, 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 patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of

Vernon P. Joynt, et al.
Application No. 12/662,183
Filed: April 5, 2010
Attorney Docket No. 10036.0041-00000

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Vernon P. Joynt. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3641 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/662,185	04/05/2010	Kazuhisa Fukuda	EL-73061US	2231

7590 03/10/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
HARVEY, MINSUN OH	
ART UNIT	PAPER NUMBER
2828	
MAIL DATE	DELIVERY MODE
03/10/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/662,213	04/06/2010	Yukihiro Morimoto	UDK-0109	2545

23353 7590 06/08/2011

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
PATEL, NIMESHKUMAR D	
ART UNIT	PAPER NUMBER
2879	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of	**: DECISION ON REQUEST TO**
MORIMOTO et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/662,213	**: PROSECUTION HIGHWAY**
Filed: 06 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: UDK-0109	**: TO MAKE SPECIAL UNDER**
For: EXCIMER DISCHARGE LAMP	**: 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 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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

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.
12/662,214	04/06/2010	Kengo Moriyasu	UDK-0108	6252

23353 7590 06/08/2011

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
PATEL, NIMESHKUMAR D	
ART UNIT	PAPER NUMBER
2879	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of	**: DECISION ON REQUEST TO**
MORIYASU et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/662,214	**: PROSECUTION HIGHWAY**
Filed: 06 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: UDK-0108	**: TO MAKE SPECIAL UNDER**
For: EXCIMER DISCHARGE LAMP	**: 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 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of :
Honbo et al. :
Application No. 12/662,234 : ON PETITION
Filed: 04/07/2010 :
Attorney Docket No. 1021.50687X00 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on April 7, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state, *inter alia*, that illustration in color is necessary for proper understanding.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

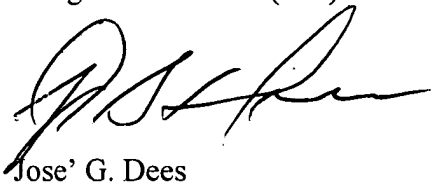
By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2881.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.



Jose' G. Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Application of :
YAMAMOTO, et al :
Application No. 12/662,251 : DECISION ON PETITION
Filed: April 7, 2010 :
Attorney Docket No. 387334US99CONT :

This is a decision on the petition, under 37 CFR 1.137(b) to revive the unintentionally abandoned application filed October 7, 2011, and the petition under 37 CFR 1.181-1.183, filed October 13, 2011, to Correct PTO Records by Vacating Notice of Abandonment, which will be treated as a request to withdraw holding of abandonment (no fee).

The petition under 37 CFR 1.181 is **DISMISSED.**

The application became abandoned for failure to timely pay the issue and publication fees on or before March 22, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 22, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 23, 2011. A Notice of Abandonment was mailed April 6, 2011.

Petitioner asserts that a "good faith" effort was made to pay the issue and publication fees on March 14, 2011. Petitioner submitted Part B – Fee Transmittal (PTOL) on March 14, 2011, however unintentionally omitted the insertion of attorney's Deposit Account Number. Petitioner asserts that unlimited authority was given to USPTO to charge Deposit Account No. 19-4293 on October 1, 2010.

Petitioner has requested that the Office recognizes the unlimited authority to charge the necessary fee, rescind and vacate the Notice of April 6, 2011 and promptly issue a patent.

As provided in 37 CFR 1.311(b), an authorization to charge the issue fee (37 CFR 1.18) to a deposit account may be filed in an individual application only after the mailing of the notice of allowance.

37 CFR 1.25(b) also makes clear that a general authorization made prior to the mailing of a notice of allowance does not apply to issue fees under 37 CFR 1.18. Accordingly, the petition requesting withdrawal of the holding of abandonment cannot be granted.

The petition under 37 CFR 1.137(b) is **GRANTED.**

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of $1860; and (3) a proper statement of unintentional delay.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

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

MAILED
MAR 12 2012
OFFICE OF PETITIONS

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	: DECISION ON REQUEST TO
Yuuichi AOKI	: PARTICIPATE IN PPH PROGRAM
Application No. 12/662,263	: AND PETITION TO MAKE SPECIAL
Filed: April 8, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 01-1990	:

For: ALUMINUM-ALUMINUM NITRIDE COMPOSITE MATERIAL, MANUFACTURING METHOD THEREOF AND HEAT EXCHANGER INCLUDING THE SAME

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 10, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;

3. Examination of the U.S. application has not begun;

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 3785 for action commensurate with this decision.

/Thurman K Page/

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED

JAN 31 2012

OFFICE OF PETITIONS

In re Application of
YAMAMOTO, et al
Application No.: 12/662,344
Filed: April 13, 2010
Attorney Docket No.: 01-1966
For: DISPLAY SYSTEM FOR SHOOTING AND DISPLAYING IMAGE AROUND VEHICLE

: 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 November 22, 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 Diane Goodwyn 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 Art Unit 2457 for action on the merits commensurate with this decision.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED

JAN 30 2012

OFFICE OF PETITIONS

In re Application of
Lee, Robert E.
Application No. 12/662,365
Filed: April 13, 2010
Attorney Docket No. 7546

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 6, 2012.

The request is **APPROVED**.

The request was signed by Jennifer A. Harchick on behalf of herself, as she is now an employee of the U.S. Patent and Trademark Office.

All other attorneys/agents of record remain and the correspondence address of record remains unchanged.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :
Fumitaka Ozeki :
Application No. 12/662,379 : DECISION GRANTING PETITION
Filed: April 14, 2010 :
Attorney Docket No. MAE-592 :

This is a decision on the petition filed June 25, 2010, requesting that the above-identified application, which included page 24 of the specification, retain the original filing date of April 14, 2010.

The application was filed on April 14, 2010. However, on April 30, 2010, the Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Nonprovisional Application advising petitioner that a filing date had been accorded the application, but that page 24 of the specification appeared to be missing.

In response, on June 25, 2010, petitioner filed the present petition along with the $400 petition fee and a copy of page 24 of the specification.

Petitioner asserts that the application as deposited with the United States Patent and Trademark Office (USPTO) was complete with page 24 of the specification. In support, petitioner submits a copy of a date-stamped postcard receipt, which shows that the USPTO received twenty-five (25) pages of the specification, which included page 24, among other items on April 14, 2010.

A review of the application file discloses that the Office received pages 1-23 and page 25 of the specification, which excluded page 24 of the specification on April 14, 2010. However, since the evidence is convincing that the application was filed with 25 pages of the specification on April 14, 2010[1], the petition is **GRANTED**.

In view of the above, the $400 petition fee is being credited back to petitioner's credit card.

This application file is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries specific to this matter should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

[1]MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that 25 pages of the specification was filed on April 14, 2010, and that page 24 of the specification was subsequently misplaced in the Office.

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.
12/662,394	04/14/2010	Takashi Yamauchi	NCL09058US	4620

7590 03/27/2012

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
LUBIT, RYAN A	
ART UNIT	PAPER NUMBER
2629	
MAIL DATE	DELIVERY MODE
03/27/2012	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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: 31500.33	Application Number (if known): 12/662,466	Filing date: April 19, 2010
First Named Inventor: MOHAMED ABDEL-AZIZ HABIB		
Title: CARBON-FREE GAS TURBINE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 19, 2011
Name (Print/Typed) RICHARD J. APLEY	Registration Number 51,316

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

[X] *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No. **31500.33**

Confirmation No. **9694**

Customer No. **37833**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PATENT APPLICATION OF:

APPLICANT:	**MOHAMED ABDEL-AZIZ HABIB *et al.***		
SERIAL NO:	**12/662,466**	ART UNIT:	**3741**
FILED:	**APRIL 19, 2010**	EXAMINER:	**UNKNOWN**
FOR:	**CARBON-FREE GAS TURBINE**		

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

STATEMENT OF SPECIAL STATUS
SUPPLEMENTAL TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

This communication is supplemental to the Petition to Make Special Under the Green Technology Pilot Program being filed herewith for the above-referenced patent application, in support of the present invention's meeting of the eligibility requirements therefor. Additionally, Applicant is requesting early publication under CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

Advancement of examination out of turn of the above-referenced patent application is hereby requested under the Green Technology Pilot Program. The present invention generally relates to *greenhouse gas emission reduction.*

In particular, the present invention is drawn to a power-producing turbine driven by the combustion of hydrocarbon fuels with oxygen. The carbon-free gas turbine includes at least one combustor for combusting gaseous fuel with oxygen. The at least one combustor

includes a housing containing at least one oxygen transport reactor. The oxygen transport reactor includes an outer wall and an inner cylindrical ion transport membrane. The membrane receives pressurized air and separates gaseous oxygen therefrom, transporting the oxygen into a central region thereof for combustion with the gaseous hydrocarbon fuel, producing gaseous carbon dioxide and water vapor. A first turbine is driven by the gaseous carbon dioxide and water vapor produced by the at least one combustor and drives a first compressor. The first compressor provides the pressurized air supplied to the at least one combustor. A second turbine is driven by pressurized nitrogen gas resulting from the combustion.

More particularly, the second turbine drives a second compressor. High temperature, pressurized carbon dioxide and water vapor drive the first turbine and the exhaust passes through a separator, where the water is removed and the carbon dioxide is recycled, then passing to a second compressor. Any excess carbon dioxide may also be released from the separator, but carbon dioxide emissions are minimal. The second compressor then passes the newly pressurized carbon dioxide back through the separator for injection into the combustors.

Additionally, in order to conserve energy in the process, the separator may contain a heat exchanger or the like for extracting any remaining usable energy from the carbon dioxide and water before recycling. Thermal energy is extracted from the gaseous carbon dioxide and water vapor (converting the water vapor into liquid water), and the liquid water may then be extracted from the separator. The carbon dioxide is recycled, as noted above, with the carbon dioxide being delivered to the second compressor, for pressurizing thereof, and then passage to the gas distributor of each combustor. The carbon dioxide is recycled in order to minimize carbon dioxide emission into the environment, as well as providing a

purge of oxygen, ensuring a low partial pressure of oxygen within the central regions of oxygen transport reactors of the system.

The present invention, as described above, is a combustion-type gas turbine system with a vastly reduced carbon dioxide emission (when compared with conventional combustion turbines), specifically through the recycling of the carbon dioxide within the system (without release thereof into the environment) and through the recycling of thermal energy therefrom.

It is now believed that the requirements to accelerate examination of the above-referenced patent application under the Green Technology Pilot Program have been met, and such action is respectfully requested.

Respectfully submitted,

Richard J. Apley
Registration No. 51,316
(703) 486-1000

RJA:mdr

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.
12/662,466	04/19/2010	Mohamed Abdel-Aziz Habib	31500.33	9694

37833 7590 01/26/2011

LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS, VA 20110

EXAMINER	
ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
01/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

In re Application of	:	
HABIB, MOHAMED ABDEL-AZIZ et al	:	DECISION ON PETITION
Application No. 12/662,466	:	TO MAKE SPECIAL UNDER
Filed: April 19,2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 31500.33	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 19, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3741 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/662,493	04/20/2010	Takashi Tsuchida	01-1968	5478

7590 05/10/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
JEN, MINGJEN	

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
05/10/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SHLESINGER, ARKWRIGHT & GARVEY LLP
5845 Richmond Highway, Suite 415
ALEXANDRIA VA 22303

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Daniel John Hawkes	:	
Application No. 12/662,507	:	DECISION ON PETITION
Filed: April 21, 2010	:	
Attorney Docket No. 7746	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed May 6, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 7, 2010. The Notice of Abandonment was mailed January 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner

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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HENDRICKS AND ASSOCIATES
PO BOX 2509
FAIRFAX VA 22031

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of :
Varma, et al. :
Application No. 12/662,742 : ON PETITION
Filed: April 30, 2010 :
Attorney Docket No. Varma - EPA :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 14, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts, mailed May 18, 2010. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, and an oath or declaration, together with the surcharge for its late filing. No reply having been received, the application became abandoned on July 19, 2010. The Office mailed a Notice of Abandonment on February 9, 2011.

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of replacement drawings, and a declaration and surcharge.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

cc: John E. Tarcza
5200 Crest Court
Jefferson, MD 21755

UNITED STATES 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 26 2010

OFFICE OF PETITIONS

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	:	
Hsiao-Long Chiang	:	DECISION GRANTING STATUS
Application No. 12/662,788	:	UNDER 37 CFR 1.47(b)
Filed: May 4, 2010	:	
Attorney Docket No. CHIA3144/EM	:	

This is in response to the petition under 37 CFR 1.47(b), filed July 20, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
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
www.uspto.gov

RODGER H FLAGG
10504 DAYSAILER DR
FAIRFAX STATION VA 22039

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Flagg	:	
Application No. 12/662,890	:	DECISION ON PETITION
Filed: May 11, 2010	:	
Attorney Docket No. 42610	:	

This is a decision on the "Petition for Date of Deposit", filed June 10, 2010, which is being treated as a request that the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed May 26, 2010 be withdrawn.

The petition is **DISMISSED**.

The application was filed on May 11, 2010. However, on May 26, 2010, the Office mailed a "Notice to File Omitted Items". The Notice informed applicants that the application had been accorded a filing date. However, Figures 9A and 9B as described in the specification appeared to have been omitted.

In response, Applicant filed the instant petition. Applicant explains that Figures 9A and 9B were not missing on May 11, 2010.

It is obvious from the petition that no drawings were actually missing on May 11, 2010. Rather, the drawing figures referenced in the specification were misnumbered as a result of applicants' filing error. However, the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed May 26, 2010 was correct in stating that Figure 9A and 9B as described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of May 11, 2010, using the 16 sheets of drawings filed on that date and the substitute specification filed on June 10, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Rodger H. Flagg :
Application No. 12/662,890 : DECISION ON PETITION
Filed: May 11, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 42610 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 28, 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 attorney of record declaring that he is in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3611 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions