UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Donald R. Owen

Application No. 12662930

Filed: May 12,2010

Attorney Docket No. 040219.06

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

The petition is **GRANTED**.

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

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

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

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

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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV02A7
SCOTTS VALLEY, CA 95066-4544

MAILED
OCT 29 2010
OFFICE OF PETITIONS

In re Application of :
Michael D. Kennedy et al :
Application No. 12/662,944 : DECISION ON PETITION
Filed: May 12, 2010 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. STL2853.40 :

This is a decision on the petition filed May 12, 2010, which is being treated as a petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled

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

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

As authorized, the $1410 petition fee is being charged to petitioner's Deposit Account Number 19-1038.

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.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3656 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/dab/
David Bucci
Petition Examiner
Office of Petitions

cc: Seagate Technology LLC
Intellectual Property Dept. – COL2LGL
389 Disc Drive
Longmont, CO 80503

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
12/662,944	05/12/2010	3656	1520	STL2853.40	3	2

CONFIRMATION NO. 8016

28063
SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV02A7
SCOTTS VALLEY, CA 95066-4544

CORRECTED FILING RECEIPT

OC000000044235787

Date Mailed: 10/28/2010

Receipt is acknowledged of this reissue 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)

Michael D. Kennedy, Boulder Creek, CA;
Roger A. Addy, Gilroy, CA;
Alan L. Grantz, Aptos, CA;
Norbert Steven Parsoneault, Scott Valley, CA;
Wesley R. Clark, Watsonville, CA;
Matt L. Shumway, San Jose, CA;
Ronald T. Albo, Campbell, CA;

Power of Attorney: The patent practitioners associated with Customer Number 28063

Domestic Priority data as claimed by applicant

This application is a REI of 11/144,538 06/03/2005 PAT 7,390,125
which is a DIV of 10/693,141 04/26/2004 ABN
which is a DIV of 09/498,700 02/07/2000 PAT 6,755,570
which claims benefit of 60/138,945 06/11/1999

Foreign Applications

If Required, Foreign Filing License Granted: 06/02/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/662,944**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Single piece hub with integral upper and lower female cones

Preliminary Class

384

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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1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No.: 12/662951	:	DECISION ON
Filing or 371(c) Date: 05/13/2010	:	PETITION
Attorney Docket Number: 57166	:	

This is a decision in response to the petition under 37 C.F.R. 1.181 to withdraw holding of abandonment, filed June 8, 2011.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability ("Notice"), mailed February 16, 2011. The Notice required corrected drawings, and set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned May 17, 2011.

Applicant files the present petition and avers that the Notice of Allowability stated that the drawing correction will be made by Examiner's Amendment (not by Applicant), and that an Interview Summary putatively noted "that the 'drawings have been amended...." Petition at p.1. Applicant provides further that while the Manual of Patent Examining Procedure ("MPEP") requires the Applicant to ensure that drawings are corrected in order to avoid abandonment of the application, Applicant argues that the MPEP paragraphs were not included in the Notice of Allowability, and that had these paragraphs been included in the Notice, Applicant would have been alerted that the Examiner would not have been able to effect a drawing correction by Examiner's Amendment.

Petitioner therefore requests withdrawal of the holding of abandonment. Petitioner has submitted corrected drawings with the present petition.

Applicable Law, Rules and MPEP

35 U.S.C. § 133, Time for prosecuting application, states

> 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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

Analysis

Applicant is advised an application becomes abandoned according to statute and Office rules. In this instance, Applicant was required to file a complete and proper reply to the Notice mailed on February 16, 2011. It is Applicant's responsibility to file a complete and proper reply to the application as the condition of the application requires. Here, Applicant acknowledges that the Examiner may not effect a correction to the drawings via an Examiner's Amendment. Applicant, a registered practitioner, is tasked with knowledge of the obligations associated with prosecuting his application. See, California Med. Prods. V. Tecnol Med., 921 F.Supp 1219 (D. Del. 1995). That Applicant belatedly realizes that it is the Applicants responsibility to file corrected drawings in response to the Notice in order to avoid abandonment of the application, does not allow an applicant to shift the burden of filing a complete and proper reply to the Notice in the first instance to this Office.

Applicant is advised that, as provided in the Manual of Patent Examining Procedure,

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. **Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application**.

MPEP 711.03(c).

Conclusion

In view of the foregoing, the petition is dismissed.

Alternate Venue

Applicant is strongly urged to file a petition under 37 CFR 1.137(b) 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).

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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OCT 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No.: 12/662951	:	DECISION ON
Filing or 371(c) Date: 05/13/2010	:	PETITION
Attorney Docket Number: 57166	:	

This is a decision in response to the renewed petition under 37 C.F.R. 1.181 to withdraw holding of abandonment, filed October 13, 2011.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply any and all relevant information and documentation with his request for reconsideration. The Director's decision will be based solely on the administrative record in existence.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability ("Notice"), mailed February 16, 2011. The Notice required corrected drawings, and set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned May 17, 2011.

Applicant filed a petition to withdraw the holding of abandonment on June 8, 2011, where Applicant provided that the Notice of Allowability stated that the drawing correction will be made by Examiner's Amendment (not by Applicant), and that an Interview Summary putatively noted "that the 'drawings have been amended....'" Petition at p.1. Applicant provided further that while the Manual of Patent Examining Procedure ("MPEP") requires the Applicant to ensure that drawings are corrected in order to avoid abandonment of the application, Applicant argued

that the MPEP paragraphs were not included in the Notice of Allowability, and that had these paragraphs been included in the Notice, Applicant would have been alerted that the Examiner would not have been able to effect a drawing correction by Examiner's Amendment.

The petition was dismissed in a decision mailed June 8, 2011. The decision dismissing the petition informed Applicant that an application becomes abandoned according to statute and Office rules. In this instance, Applicant was required to file a complete and proper reply to the Notice mailed on February 16, 2011. It was Applicant's responsibility to file a complete and proper reply to the application as the condition of the application requires. Here, Applicant had acknowledged that the Examiner may not effect a correction to the drawings via an Examiner's Amendment. Applicant was reminded that he is tasked with knowledge of the obligations associated with prosecuting his application, and that Applicant belatedly realized his responsibility to file corrected drawings in response to the Notice in order to avoid abandonment of the application does not allow an applicant to shift the burden of filing a complete and proper reply to the Notice in the first instance to this Office.

The decision cited to the MPEP 711.03(c), which states that

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

The present renewed petition

Applicant files the present renewed petition and argues that while in the ordinary course of business this Office would not make drawing changes, in this instance the Examiner specifically stated in the Notice of Allowability that the drawing corrections will be made by Examiner's Amendment. Applicant asserts that the Examiner did not require Applicant to make drawing corrections unless the Examiner's changes were unacceptable to Applicant. But for the Examiner's assertions, Applicant states that he would have timely filed drawing corrections. Moreover, Applicant argues, the Notice of Allowability did not include a paragraph informing Applicant that this Office no longer makes drawing corrections, or that Applicant was required to make drawing changes.

Applicable Law, Rules and MPEP

35 U.S.C. § 133, Time for prosecuting application, states

> 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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to

the satisfaction of the Director that such delay was unavoidable.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

37 CFR 1.85, Corrections to drawings, states:

> (c) If a corrected drawing is required or if a drawing does not comply with § 1.84 at the time an application is allowed, the Office may notify the applicant and set a three-month period of time from the mail date of the notice of allowability within which the applicant must file a corrected drawing in compliance with § 1.84 to avoid abandonment. This time period is not extendable under § 1.136(a) or § 1.136(b). (Emphasis added).

Analysis

Applicant is again advised that it is an applicant's responsibility to file a complete and proper reply to the Notice as the condition of the application requires. It is again noted that Applicant, a registered practitioner, is tasked with knowing the statute, rules of practice and MPEP. The United States Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected.

Applicant is again advised that

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the

cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Conclusion

In view of the foregoing, the petition is dismissed.

Alternate Venue

Applicant is strongly urged to file a petition under 37 CFR 1.137(b) 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).

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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SUITE 600
WASHINGTON, DC 20036

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NOV 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No.: 12/662951	:	DECISION ON
Filing or 371(c) Date: 05/13/2010	:	PETITION
Attorney Docket Number: 57166	:	

This is a decision in response to the petition under 37 C.F.R. 1.137(b), to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed February 16, 2011[1]. The Notice required corrected drawings, and set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on May 17, 2011.

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 in the form of corrected drawings (filed June 8, 2011); (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 Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

[1] Applicant timely submitted the issue fee in response to the Notice of Allowance and Issue Fee Due, on May 10, 2011.

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Pros Hwy

PTO/SB/20UK (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE UNITED KINGDOM INTELLECTUAL PROPERTY OFFICE (UKIPO) AND THE USPTO

Application No.:	12/663,033	Filing Date:	March 23, 2010
First Named Inventor:	Graeme Charles Mackie		
Attorney Docket No.:	1-51451		
Title of the Invention:	MOORING SYSTEM FOR TIDAL STREAM AND OCEAN CURRENT TURBINES		

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

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding UKIPO 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 UKIPO/PCT application number(s) is/are: UK Application Number GB0809127.4

The filing date of the UKIPO/ PCT application(s) is/are: May 20, 2008

I. List of Required Documents:

a. **A copy of all UKIPO office actions which are relevant to patentability in the above-identified UKIPO application(s)**

☑ Is attached.

b. **A copy of all claims which were determined to be patentable by the UKIPO in the above-identified UKIPO applicatio n(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).**

d. **(1) An information disclosure statement listing the documents cited in the UKIPO 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/20UK (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE UNITED KINGDOM INTELLECTUAL PROPERTY OFFICE (UKIPO) AND THE USPTO
(continued)

Application No.:	12/663,033
First Named Inventor:	Graeme Charles Mackie

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in UKIPO Application	Explanation regarding the correspondence
1	1	exact wording
3	2	exact wording
4	3	made dependent on Claim 1. "any preceding claim" deleted
5	4	made dependent on Claim 1. "any preceding claim" deleted
6	5	made dependent on Claim 1. "any preceding claim" deleted
7	6	made dependent on Claim 1. "any preceding claim" deleted
8	7	made dependent on Claim 6. "5 or" deleted
9	8	made dependent on Claim 1. "any preceding claim" deleted
10	9	exact wording
11	10	exact wording
12	11	exact wording
13	12	made dependent on Claim 1. "any preceding claim" deleted
14	13	made dependent on Claim 1. "any preceding claim" deleted
15	14	exact wording
16	15	exact wording
17	16	made dependent on Claim 1. "any of Claims 1 to 15" deleted
18	17	made dependent on Claim 1. "any of Claims 1 to 15" deleted

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the UKIPO application.

Signature /richardsmacmillan/	Date August 30, 2011
Name (Print/Typed) Richard S. MacMillan	Registration Number 30,085

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.

28 SEP 2010

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CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re Application of	:	
OISHI et al.	:	DECISION
Application No.: 12/663,049	:	
PCT No.: PCT/JP2008/073747	:	
Int. Filing Date: 26 December 2008	:	
Priority Date: None	:	
Attorney's Docket No.: ION-101-A	:	
For: REFRIGERANT HOSE	:	

This decision is in response to applicants' submission filed 05 August 2010, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 26 December 2008, applicants filed international application PCT/JP2008/073747 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 July 2010. The thirty-month period for paying the basic national fee in the United States expires at midnight on 26 June 2011.

On 04 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a declaration of inventors.

On 14 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The NOTIFICATION indicated that the name of the third inventor was different on the international application (Kouzi SATOU) than it was on the declaration of inventors filed 04 December 2009 (Koji SATO).

On 05 August 2010, applicants filed the instant submission regarding the difference in the name of the third inventor.

DISCUSSION

The submission filed 05 August 2010 concerning the name of the third inventor explains that the inventor's name was changed to the name indicated on the declaration filed 04 December 2009 during the international phase of the application. A NOTIFICATION OF THE RECORDING OF A CHANGE (Form PCT/IB/306) mailed by the International Bureau on 26 August 2010 confirms this. (This form can be found on the PCT Online File Inspection portion of the WIPO website (http://www.wipo.int/pctdb/en/search-adv.jsp).) This explanation of the difference in names between the international application and the declaration of inventors is accepted. Accordingly, the NOTICE OF MISSING REQUIREMENTS mailed 14 July 2010 is hereby VACATED.

Declaration of Inventors

The declaration filed 04 December 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 14 July 2010 is VACATED.

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

/Daniel Stemmer/

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

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED

OCT 19 2010

PCT LEGAL ADMINISTRATION

In re Application of :
VENERMO, et al. :
U.S. Application No.: 12/663,077 : DECISION ON PETITION
PCT No.: PCT/FI2008/000060 :
Int. Filing Date: 03 June 2008 : UNDER 37 CFR 1.182
Priority Date: 04 June 2007 :
Attorney's Docket No.: 3518-1040 :
For: STRUCTURE FOR REDUCING SCATTERING :
OF ELECTROMAGNETIC WAVES :

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.182 " filed 30 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 June 2008, applicant filed international application PCT/FI2008/000060, which claimed priority of an earlier application filed 04 June 2007. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 11 December 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 December 2009.

On 04 December 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 09 June 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 14 June 2010, applicant responded with an executed declaration of the inventors.

On 14 September 2010, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the last name of the last listed inventor was different on the declaration than the name appearing on the published international application. Applicant

was afforded one month to file a proper reply or the extendable time remaining from the mail date of the Form PCT/DO/EO/905.

On 30 September 2010, applicant filed the present petition.

DISCUSSION

The Manual of Patent Examination Procedure (MPEP) at 605.04(c) details the procedures for proceeding where an inventor's name differs between the published international application and the filed declaration. It states that in cases other than a typographical or transliteration error, where there is a discrepancy in the inventor's name between the published international application and the U.S. National stage declaration as filed and the inventor desires to change his or her name on the application to that appearing on the filed declaration, he or she must submit a petition under 37 CFR 1.182.

The present petition is accompanied by an affidavit setting forth the procedure whereby the change of name of inventor Schulman was effected; namely by marriage. The declaration is executed by Mrs. Schulman using her current married name and her maiden name. As such, it is proper to grant applicant's petition at this time. Further, the granting of the petition perfects the declaration filed 14 June 2010 and thus applicant has satisfied all of the 35 U.S.C. 371 requirements.

CONCLUSION

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

The application has an international filing date of 03 June 2008 under 35 U.S.C. 363 and will be given a date of **14 June 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2010

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GENERAL ELECTRIC COMPANY
GE GLOBAL PATENT OPERATION
2 CORPORATE DRIVE, SUITE 648
SHELTON, CT 06484

In re Application of MASON et al :
U.S. Application No.: 12/663,098 :
PCT Application No.: PCT/GB2008/001979 :
Int. Filing Date: 06 June 2008 :
Priority Date Claimed: 08 June 2007 : DECISION
Attorney Docket No.: 230664 :
For: APPARATUS FOR DETERMINING THE :
CONCENTRATION OF A CONDUCTIVE FLUID :
PRESENT IN A FLUID FILLED BOREHOLE :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 17 May 2010.

BACKGROUND

On 06 June 2008, applicant filed international application PCT/GB2008/001979, which claimed priority of an earlier United Kingdom application filed 08 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 11 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 December 2009.

On 04 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 May 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Derek Hayes refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Hayes for signature (see electronic mail message dated 03 December 2009). Furthermore, the petition sufficiently illustrates that Hayes refuses to sign. In particular, Hayes made a constructive refusal to cooperate in the electronic mail message dated 10 May 2010. Therefore, it can be concluded with reasonable certainty that Hayes refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 06 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 May 2010.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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12 AUG 2010

Derek George Hayes
23 Stubbs Folly
Sandhurst Bershire, GU47 0ZB
United Kingdom

In re Application of MASON et al
U.S. Application No.: 12/663,098
PCT Application No.: PCT/GB2008/001979
Int. Filing Date: 06 June 2008
Priority Date Claimed: 08 June 2007
For: APPARATUS FOR DETERMINING THE CONCENTRATION OF A CONDUCTIVE FLUID PRESENT IN A FLUID FILLED BOREHOLE

Dear Derek George Hayes:

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

GENERAL ELECTRIC COMPANY
GE GLOBAL PATENT OPERATION
2 CORPORATE DRIVE, SUITE 648
SHELTON, CT 06484
Attorney Docket No.: 230664

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LGCHEM
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of
LEE, et al
Application No.: 12/663,117 : **DECISION ON REQUEST TO**
Filed: July 6, 2010 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: LGCHEM 3.3-134 : **PROSECUTION HIGHWAY**
For: NON-AQUEOUS ELECTROLTE : **PROGRAM AND PETITION**
SOLUTION FOR LITHIUM ION : **TO MAKE SPECIAL UNDER**
SECONDARY BATTERY... : **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 2, 2012, to make the above-identified application special.

The request and petition are **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 the undersigned at (571) 272-6735.

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

This application is being forwarded to Technology Center AU 1726 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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734 LARUE ROAD
MILLERSVILLE, MD 21108

MAILED

APR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of OLSON et al :
U.S. Application No.: 12/663,118 :
PCT Application No.: PCT/CA2008/001109 :
Int. Filing Date: 09 June 2008 :
Priority Date Claimed: 07 June 2007 : DECISION
Attorney Docket No.: INN.14PR :
For: METHODS AND COMPOSITIONS :
COMPRISING HIGH VALENCY SILVER :
FOR INCREASING SEED GERMINATION :

This is in response to applicant's correspondence filed 24 January 2011, which is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 09 June 2008, applicant filed international application PCT/CA2008/001109, which claimed priority of an earlier United States application filed 07 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 11 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2009.

On 04 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 May 2010, applicant filed an executed declaration.

On 25 June 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 28 May 2010 failed to list the citizenship of all of the inventors.

On 21 July 2010, applicant filed a newly executed declaration.

On 14 December 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 24 January 2011, applicant filed the present request under 37 CFR 1.497(d).

DISCUSSION

The petition states that Lyriam Marques should be added as an inventor.

37 CFR 1.497(d) states,

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

With regard to item (1) above, the requisite statement from Lyriam Marques has not been furnished.

With regard to item (2) above, the requisite processing fee has not been provided.

With regard to item (3) above, MPEP 201.03, Section II. D., states in relevant part, "Where no assignee exists requester should affirmatively state that fact. If the file record including the request is silent as to the existence of an assignee it will be presumed that no assignee exists. Such presumption should be set forth in the decision to alert requesters to the requirement." In the present case, although the petition fails to affirmatively state that the application has not been assigned by any of the original named inventors, the international application lists a corporate applicant, which suggests that an assignee may exist. If an assignee exists, written consent of the assignee must be provided. If no assignee exists, applicant should so state.

With regard to item (4) above, 37 CFR 1.497(f) is not applicable to the present situation.

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)".

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 27 2011

PCT LEGAL ADMINISTRATION

WILLIAM J BUNDREN
THE LAW OFFICE OF WILLIAM J BUNDREN
734 LARUE ROAD
MILLERSVILLE, MD 21108

In re Application of OLSON et al :
U.S. Application No.: 12/663,118 :
PCT Application No.: PCT/CA2008/001109 :
Int. Filing Date: 09 June 2008 :
Priority Date Claimed: 07 June 2007 : DECISION
Attorney Docket No.: INN.14PR :
For: METHODS AND COMPOSITIONS :
COMPRISING HIGH VALENCY SILVER :
FOR INCREASING SEED GERMINATION :

This is in response to applicant's renewed request under 37 CFR 1.497(d) filed 31 May 2011.

BACKGROUND

On 09 June 2008, applicant filed international application PCT/CA2008/001109, which claimed priority of an earlier United States application filed 07 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 11 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2009.

On 04 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 May 2010, applicant filed an executed declaration.

On 25 June 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 28 May 2010 failed to list the citizenship of all of the inventors.

On 21 July 2010, applicant filed a newly executed declaration.

On 14 December 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 24 January 2011, applicant filed a request under 37 CFR 1.497(d).

On 15 April 2011, this Office mailed a decision dismissing the 24 January 2011 request.

On 31 May 2011, applicant filed the instant renewed request under 37 CFR 1.497(d).

DISCUSSION

The petition states that Lyriam Marques should be added as an inventor.

37 CFR 1.497(d) states,

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

With regard to item (1) above, the requisite statement from Lyriam Marques has been furnished.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, the request states that the application has not been assigned by any of the original named inventors.

With regard to item (4) above, 37 CFR 1.497(f) is not applicable to the present situation.

CONCLUSION

For the reasons above, the renewed request under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 July 2010.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Decision Date : December 28, 2011

In re Application of :

Keiko Mitsui

Application No : 12663156

Filed : 04-Dec-2009

Attorney Docket No : 028911.00006

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 28, 2011

The request is **APPROVED.**

The request was signed by George E Oram Jr (registration no. 27931) on behalf of all attorneys/agents associated with Customer Number 4372 . All attorneys/agents associated with Cusotmer Number 4372 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 Keiko Mitsui

Name2

Address 1 1-31-10, Komagome, Toshima-ku

Address 2

City Tokyo

State

Postal Code 170-0003

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	12663156
Filing Date	04-Dec-2009
First Named Inventor	Keiko Mitsui
Art Unit	3772
Examiner Name	TARLA PATEL
Attorney Docket Number	028911.00006
Title	EQUIPMENT FOR PREVENTING AND TREATING PELVIC ORGAN PROLAPSE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 4372

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	Keiko Mitsui
Address	1-31-10, Komagome, Toshima-ku
City	Tokyo
State	
Postal Code	170-0003
Country	JP

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/George E Oram Jr/
Name	George E Oram Jr
Registration Number	27931

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IM IP LAW PLLC
P.O. BOX 355
SCARSDALE, NY 10583

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Jacques David et al :
Application No. 12/663,160 : DECISION ON PETITION
Filed: February 24, 2010 : TO WITHDRAW
Attorney Docket No. GRYN276US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 19, 2011.

The request is **APPROVED**.

A review of the file record indicates that R. Ross Viguet: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, R. Ross Viguet has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: R. Ross Viguet
Fulbright & Jaworski L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, TX 75201-2784

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.
12/663,195	12/04/2009	Yoshifumi Awakura	1163-0765PUS1	1884

2292 7590 08/03/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
NGUYEN, HOA T	
ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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

In re Application of	**: DECISION ON REQUEST TO**
AWAKURA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/663,195	**: PROSECUTION HIGHWAY**
Filed: 04 December 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0765PUS1	**: TO MAKE SPECIAL UNDER**
For: DISK REPRODUCING APPARATUS	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 19 July 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

5 AUG 2010

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BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
FERNANDEZ, Jose Gabriel, et al.	:	
Application No.: 12/663,210	:	DECISION
PCT No.: PCT/US2008/065634	:	
Int. Filing Date: 03 June 2008	:	ON PETITION UNDER
Priority Date: 04 June 2007	:	
Docket No.: LEAR45033PUSA	:	37 CFR 1.47(a)
For: BATTERY POST CONNECTOR	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 31 March 2010.

BACKGROUND

On 31 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors, the examination fee and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 01 June 2010, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2) and (4) have been met. The $200 petition fee has been paid. Applicants have established refusal by the inventor to sign the declaration. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (3) has not been satisfied. The address provided for Mr. Daniel Soto is Fusters 54, Poligon Industrial, 43800 Valis, Spain. The address appears to be a corporate or business address. Applicants are required to furnish the last known home address of the inventor. MPEP 409.03(e) and 605.03.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PCT LEGAL ADMINISTRATION

BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of :
FERNANDEZ, Jose Gabriel, et al. :
Application No.: 12/663,210 : DECISION
PCT No.: PCT/US2008/065634 :
Int. Filing Date: 03 June 2008 : ON PETITION UNDER
Priority Date: 04 June 2007 :
Docket No.: LEAR45033PUSA : 37 CFR 1.47(a)
For: BATTERY POST CONNECTOR :

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 31 August 2010.

BACKGROUND

On 05 August 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a) indicating that the petition failed to state a residential address for the nonsigning inventor.

On 31 August 2010, applicants filed a renewed petition under 37 CFR 1.47(a), including a residential address.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2) and (4) were previously satisfied. The $200 petition fee has been paid. Applicants have established refusal by the inventor to sign the declaration. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (3) has been satisfied. The address provided for Mr. Daniel Soto is Av. Catalunya 40, -3 -10; 43830 Torredembarra; Spain.

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **04 December 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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DEC 03 2010

PCT LEGAL ADMINISTRATION

Daniel Soto
Av. Catalunya 40, -3 -10
43830 Torredembarra
Spain

In re Application of
FERNANDEZ, Jose Gabriel, et al.
Application No.: 12/663,210
PCT No.: PCT/US2008/065634
Int. Filing Date: 03 June 2008
Priority Date: 04 June 2007
Docket No.: LEAR45033PUSA
For: BATTERY POST CONNECTOR

Dear Mr. Soto:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075-1238

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	12663217
Filing Date	04-Dec-2009
First Named Inventor	Hidetoshi Kitanaka
Art Unit	2837
Examiner Name	BENTSU RO
Attorney Docket Number	1032404-000242
Title	MOTOR CONTROLLING APPARATUS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ 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	/Thomas A. Froats/
Name	Thomas A. Froats
Registration Number	66609

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 12, 2012

In re Application of :

Hidetoshi Kitanaka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12663217

Filed : 04-Dec-2009

Attorney Docket No : 1032404-000242

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 12, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This application file is being referred to Technology Center AU 2837 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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ALEXANDRIA, VA 22313-1404

MAILED
MAR 24 2011
OFFICE OF PETITIONS

Applicant: Benedetti, et al.
Appl. No.: 12/663,234
International Filing Date: June 4, 2008
Title: CLOSURE FOR A SEALED CONTAINER OF A POURABLE FOOD PRODUCT, AND METHOD OF PRODUCING THEREOF
Attorney Docket: 1034170-000057
Pub. No.: US 2010/0140271 A1
Pub. Date: June 10, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 12, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on December 4, 2009 was not included in the publication.

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

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

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

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on July 12, 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
OR.
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

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35969
Barbara A. Shimei
Director, Patent & Licensing
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MAR 0 3 2011

PCT LEGAL ADMINISTRATION

In re Application of
STASCH *et al*
U.S. Application No.: 12/663,235
PCT No.: PCT/EP2008/004158
Int. Filing Date: 24 May 2008
Priority Date: 06 June 2007
Docket No.: BHC 071066 PCT-US01
For: SOLUTIONS FOR PERFUSING AND PRESERVING ORGANS AND TISSUES

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 30 December 2010 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b), a preliminary amendment, a surcharge fee, the search fee, and the examination fee was provided. This is considered an appropriate response to the Form PCT/DO/EO/905 mailed 12 April 2010. The petition to revive fee has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A five-month extension fee of $2,350.00 was also provided with the subject petition. This is not required. This fee has been credited back to Deposit Account No. 13-3372.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/663,261	12/04/2009	Satoshi Nishikawa	Q116328	2374

23373 7590 10/26/2010

SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON, DC 20037

EXAMINER	
LEWIS, BEN	

ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
10/26/2010	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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Commissioner for Patents
United States Patent and Trademark Office
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October 25, 2010 BC

In re application of Satoshi Nishikawa Serial No. 12/663,261 Filed: December 04, 2009 For: POLYOLEFIN MICROPOROUS MEMBRANE BASE FOR NONAQUEOUS SECONDARY BATTERY SEPARATOR, METHOD FOR PRODUCING THE SAME, NONAQUEOUS SECONDARY BATTERY SEPARATOR AND NONAQUEOUS SECONDARY BATTERY	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed September 08, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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In re Application of WHITELAW et al :
U.S. Application No.: 12/663,403 :
PCT Application No.: PCT/GB2008/001977 :
Int. Filing Date: 11 June 2008 : DECISION
Priority Date Claimed: 12 June 2007 :
Attorney Docket No.: M1326-6US :
For: APPARATUS FOR AND METHOD OF :
PROTECTING AN UMBILICAL :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 13 September 2010.

BACKGROUND

On 11 June 2008, applicant filed international application PCT/GB2008/001977, which claimed priority of an earlier United Kingdom application filed 12 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 14 December 2009.

On 07 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 September 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Calum Whitelaw refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a complete copy of the application papers (including specification, claims,

drawings, and oath/declaration) to inventor Whitelaw for signature. Although the affidavit of Fiona Butters states that declaration and assignment forms were mailed to inventor Whitelaw, there is no indication that a copy of the specification, claims, and drawings was included in the correspondence. As stated in MPEP 409.03(d), it is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed.

With regard to item (3) above, the requisite $200.00 petition fee will be charged to Deposit Account No. 50-3541 as authorized in the transmittal letter filed on 07 December 2009.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)".

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

Bryan Lin

Bryan Lin
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PCT Legal Office

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MAR 17 2011
PCT LEGAL ADMINISTRATION

In re Application of WHITELAW et al :
U.S. Application No.: 12/663,403 :
PCT Application No.: PCT/GB2008/001977 :
Int. Filing Date: 11 June 2008 : DECISION
Priority Date Claimed: 12 June 2007 :
Attorney Docket No.: M1326-6US :
For: APPARATUS FOR AND METHOD OF :
PROTECTING AN UMBILICAL :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 02 February 2011.

BACKGROUND

On 11 June 2008, applicant filed international application PCT/GB2008/001977, which claimed priority of an earlier United Kingdom application filed 12 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 14 December 2009.

On 07 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 September 2010, applicant filed a petition under 37 CFR 1.47(a).

On 24 November 2010, this Office mailed a decision dismissing the 13 September 2010 petition.

On 02 February 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a) along with a declaration executed by the previously nonsigning inventor.

DISCUSSION

The submission of a declaration executed by the previously nonsigning inventor is a proper response to the decision mailed 24 November 2010.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 11 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 02 February 2011.

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

Bryan Lin
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NOV 03 2010

PCT LEGAL ADMINISTRATION

In re Application of CHEN et al :
U.S. Application No.: 12/663,428 :
PCT Application No.: PCT/US2008/066167 :
Int. Filing Date: 06 June 2008 : DECISION
Priority Date Claimed: 06 June 2007 :
Attorney Docket No.: 200702641-3 :
For: BINARY-LEVEL UPDATE OF :
COMPRESSED READ-ONLY FILE SYSTEMS :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 16 September 2010.

BACKGROUND

On 06 June 2008, applicant filed international application PCT/US2008/066167, which claimed priority of an earlier United States application filed 06 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2009.

On 07 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 May 2010, applicant filed a petition under 37 CFR 1.47(a).

On 19 July 2010, this Office mailed a decision dismissing the 12 May 2010 petition.

On 16 September 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (3) and (4) above.

With regard to item (1) above, as stated in the previous decision, the declaration filed on 12 May 2010 is not acceptable because significant portions are illegible.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Bill Liu refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Liu for signature (see affidavit of Scott Lund, ¶5). In particular, the application papers were sent via electronic mail to a known valid email address for Liu. Furthermore, the petition sufficiently illustrates that Liu refuses to sign. Liu's failure to return an execute declaration in response to the message dated 09 September 2010 is deemed a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Liu refuses to join in the application.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

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

Bryan Lin

Bryan Lin
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JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of CHEN et al :
U.S. Application No.: 12/663,428 :
PCT Application No.: PCT/US2008/066167 :
Int. Filing Date: 06 June 2008 : DECISION
Priority Date Claimed: 06 June 2007 :
Attorney Docket No.: 200702641-3 :
For: BINARY-LEVEL UPDATE OF :
COMPRESSED READ-ONLY FILE SYSTEMS :

This is in response to applicant's second renewed petition under 37 CFR 1.47(a) filed on 03 January 2011.

BACKGROUND

On 06 June 2008, applicant filed international application PCT/US2008/066167, which claimed priority of an earlier United States application filed 06 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2009.

On 07 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 March 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 May 2010, applicant filed a petition under 37 CFR 1.47(a).

On 19 July 2010, this Office mailed a decision dismissing the 12 May 2010 petition.

On 16 September 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

On 03 November 2010, this Office mailed a decision dismissing the 16 September 2010 petition.

On 03 January 2011, applicant filed the instant second renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, applicant has submitted an acceptable declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor Bill Liu.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 January 2011.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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Tao ("Bill") Liu
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Beijing, 100025
CHINA

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of CHEN et al
U.S. Application No.: 12/663,428
PCT Application No.: PCT/US2008/066167
Int. Filing Date: 06 June 2008
Priority Date Claimed: 06 June 2007
For: BINARY-LEVEL UPDATE OF COMPRESSED READ-ONLY FILE SYSTEMS

Dear Mr. Liu:

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

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

Bryan Lin

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PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
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Attorney Docket No.: 200702641-3

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/663,437	01/25/2010	Hidemitsu Nakagawa	Q116373	3737

23373 7590 05/10/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
1747	

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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 10 2011

WG

In re application of	:	DECISION ON REQUEST TO
Hidemitsu Nakagawa	:	PARTICIPATE IN PATENT
Serial No. 12/663,437	:	PROSECUTION HIGHWAY
Filed: January 25, 2010	:	PROGRAM AND
For: PAIR OF TIRES FOR MOTORCYCLE AND METHOD OF USING TIRES FOR MOTORCYCLE	:	PETITION TO MAKE 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 March 11, 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 Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

We claim:

1. A microprobe comprising:

a probe body formed from silicon and comprising:

a core;

a lower blade that:

is integrally formed with the core; and

terminates in a lower blade pointed tip extending beyond a distal end of the core; and

an upper blade that:

is formed from silicon nitride deposited on an upper surface of the core opposite the lower blade;

terminates in an upper blade pointed tip extending beyond the distal end of the core; and

comprises a strain gauge that outputs a signal indicative of strain in the upper blade.

2. The microprobe of claim 1, wherein the strain gauge comprises elements etched on the upper blade.

3. The microprobe of claim 2, wherein the strain gauge comprises a Wheatstone bridge.

4. The microprobe of claim 1, wherein the lower blade comprises no strain gauge.

5. The microprobe of claim 1, wherein the upper blade and the lower blade lie on different parallel planes.

6. The microprobe of claim 1, further comprising a base formed from silicon and having a proximal end and a distal end, the probe body extending from the distal end.

7. The microprobe of claim 6, wherein the base tapers from the proximal end to the distal end.

8. The microprobe of claim 7, wherein the base tapers with a catenoid shape.

9. The microprobe of claim 6, further comprising a second probe body extending from the base.

10. The microprobe of claim 6, wherein the strain gauge comprises two sensing resistors so positioned on the probe body as to vary in resistance with strain in the upper blade, and two constant resistors so positioned on the body as not to vary in resistance with strain in the upper blade.

11. The microprobe of claim 1, further comprising a piezoelectric actuator coupled to the microprobe, directly or indirectly, to cause forward-backward movement of the microprobe when actuated.

12. The microprobe of claim 1, wherein the microprobe defines a channel dimensioned for fluid flow.

13. A method of making the microprobe of claim 1, comprising:

depositing a layer of silicon nitride on a layer of silicon;

forming the upper blade from the layer of silicon nitride; and

forming the lower blade from the layer of silicon by a backside-only potassium hydroxide etch.

14. A method of measuring a property of a material using the microprobe of claim 6, comprising:

bringing the microprobe into sufficient contact with the material such that one of the probe bodies is exposed to the property and the other probe body is not;

subtracting a sensed value from the probe body not exposed to the property from a sensed value from the probe body that is exposed to the property, giving a property value; and

outputting the property value.

15. A method of measuring a distance between first and second boundaries, comprising:

advancing the microprobe of claim 1 toward the first boundary until the strain gauge output transiently changes to indicate compression or tension on the upper blade of the microprobe, thereby indicating the first boundary has been reached;

continuing to advance the microprobe at a known speed until the strain gauge output again transiently changes to indicate compression or tension the same or substantially the same as the prior compression or tension, thereby indicating that the second boundary has been reached;

measuring a time interval between the changes; and

multiplying the time interval by the known speed to obtain a measure of the distance between the first and second boundaries; and

outputting the measure.

16. A microprobe comprising:

a body;

two probe bodies extending from the body, the probe bodies separated from one another by a distance of no more than 1 mm;

two sensors, each of which is coupled to a respective probe body to sense a property of that probe body; and

computational circuitry, responsive to the sensed properties and programmed with instructions to:

recognize a contact event sensed by one of the probe bodies;

recognize common mode noise sensed by the other of the probe bodies; and

output an output signal indicative of the contact event minus the common mode noise.

17. The microprobe of claim 16, wherein the probe bodies are separated from one another by a distance of no more than 500 μm.

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.
CMK-018.25		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2008/066375	**09 JUNE 2008 (09.06.2008)**	08 JUNE 2007 (08.06.2007)

Applicant

CORNELL UNIVERSITY et al

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of :
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      ☐ as suggested by the applicant.
      ☒ because the applicant failed to suggest a figure.
      ☐ 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/US2008/066375

A. CLASSIFICATION OF SUBJECT MATTER

A61B 5/05(2006.01)i, A61B 5/00(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)

IPC 8 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean Utility Models and application for Utility Models since 1975
Japanese Utility Models and application for Utility Models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKIPASS (KIPO internal) & keyword : micro and probe

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 6010461 A (MANIFF, TARIQ M. et al.) 04 JANUARY 2000 See abstract	1-17
A	US 6740058 B2 (AMIT LAI AND XI CHEN) 25 MAY 2004 See abstract	1-17
A	US 5728089 A (AMIT LAI AND WHITE, RICHARD M.) 17 MARCH.1998 See abstract cited in the application	1-17

☐ 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
23 JANUARY 2009 (23.01.2009)	**23 JANUARY 2009 (23.01.2009)**

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
KWON, Yongkyong
Telephone No. 82-42-481-5800

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2008/066375

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 6010461 A	04.01.2000	CA 2281301 A1	01.03.2000
		CA 2281301 C	11.11.2003
		DE 69900771 D1	28.02.2002
		EP 0988826 A1	29.03.2000
		EP 0988826 B1	09.01.2002
US 6740058 B2	25.05.2004	US 2002-193817 A1	19.12.2002
US 5728089 A	17.03.1998	AU 4281396 A	23.05.1996
		AU 6953994 A	03.01.1995
		US 5569968 A	29.10.1996
		US 5633552 A	27.05.1997
		WO 94-30030 A1	22.12.1994
		WO 96-13869 A1	09.05.1996

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
KAMHOLZ, Scott E.

Patent Group FOLEY HOAG LLP Seaport World Trade Center West 155 Seaport Boulevard Boston MA 02210-2600 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**23 JANUARY 2009 (23.01.2009)**
Applicant's or agent's file reference CMK-018.25	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2008/066375	**09 JUNE 2008 (09.06.2008)**	08 JUNE 2007 (08.06.2007)

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

A61B 5/05(2006.01)i, A61B 5/00(2006.01)i

Applicant

CORNELL UNIVERSITY et al

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

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	23 JANUARY 2009 (23.01.2009)	KWON, Yongkyong Telephone No.82-42-481-5800

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/066375

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 relating thereto 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/US2008/066375

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	1-17	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-17	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following documents:

D1 : US 6010461 A
D2 : US 6740058 B2
D3 : US 5728089 A

1. Novelty and Inventive Step

1.1 Claims 1-12

The subject matter of claim 1 differs from these prior art documents in that a microprobe comprises a probe body comprising a lower/upper blade and the upper blade comprising a strain guage that outputs a signal indicative of strain in the upper blade. 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 2-12 are dependant on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 13-15

Claims 13-15 are to s method in relation to the microprobe of Claim 1. Claims 13-15 are 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).

1.3 Claims 16 and 17

The subject matter of claim 16 differs from these prior art documents in that a microprobe comprises two separated probe bodies extending from one body, which respectively have a sensor. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 16 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claim 17 is dependant on claim 16 and therefore meets the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-17 are industrially applicable under PCT Article 33(4).

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:	12/663,552	Filing date:	August 26, 2010
First Named Inventor:	Amit Lal		
Title of the Invention:	Microprobes		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/066375

The international filing date of the corresponding PCT application(s) is/are: June 9, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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.:	12/663,552
First Named Inventor:	Amit Lal

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 March 25, 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 March 25, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The U. S. and PCT claims are identical.
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
17	17	

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

Signature /Anne M. Schneiderman, 43,095/	Date December 23, 2010
Name (Print/Typed) Anne M. Schneiderman	Registration Number 43,095

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.
12/663,552	08/26/2010	Amit Lal	1258_4175US	4724

20874 7590 12/27/2010

MARJAMA MULDOON BLASIAK & SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE, NY 13202

EXAMINER	
ART UNIT	PAPER NUMBER
3736	

MAIL DATE	DELIVERY MODE
12/27/2010	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

MARJAMA MULDOON BLASIAK & SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE NY 13202

In re Application of	:	
LAL, AMIT et al	:	DECISION ON REQUEST TO
Application No. 12/663,552	:	PARTICIPATE IN PATENT
Filed: Aug. 26, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 1258-4175US	:	PROGRAM AND PETITION
Title: MICROPROBES	:	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 Dec. 23, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

Other inquiries concerning the examination or status of the application should be directed to Max Hindenburg, the SPE of Art Unit 3736 and 571-272-4726 for Class 600/587 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

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

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

The petition is **granted.**

/Henry C. Yuen/

_____

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

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OCT 13 2010

PCT LEGAL ADMINISTRATION

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

In re Application of :
LEE et al. :
Application No.: 12/663,592 : DECISION ON PETITION
PCT No.: PCT/KR2008/003219 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 10 June 2009 :
Priority Date: 11 June 2007 :
Attorney Docket No.: LGCHEM 3.3-130 :
For: NON-AQUEOUS ELECTROLYTE AND SECONDARY BATTERY COMPRISING THE SAME

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 20 September 2010.

BACKGROUND

On 10 June 2009, applicants filed international application PCT/KR2008/03219 which claimed a priority date of 11 June 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 December 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 December 2009.

On 08 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and an application data sheet.

On 02 July 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 20 September 2010, applicants filed a declaration executed by two of the three joint-inventors and a petition under 37 CFR 1.47(a). The petition seeks acceptance of the application without the signature of joint- inventor, Sujin Yoon.

DISCUSSION

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

Regarding item (2) above, petitioner states that Sujin Yoon cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. Such a petition will be dismissed as inappropriate.
>
> The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

A review of the present petition reveals that applicant has not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor, Sujin Yoon. Shin Young Park, a staff member of Lee International IP & Law Group, states that a copy of the application papers were sent (via postal and electronic mail) to Sujin Yoon on May 10, 2010 and August 11, 2010. The August 11, 2010 was returned to sender as undeliverable. However, petitioner fails to include evidence of any other attempts made to locate the nonsigning inventor. The mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor. Applicant must show that alternative means were employed, such as a search of telephone and/or Internet

directories, in an attempt to locate Sujin Yoon. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

For the above reasons, it would not be appropriate to accept this application without the signature of Sujin Yoon at this time.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LEE et al. :
Application No.: 12/663,592 : DECISION ON PETITION
PCT No.: PCT/KR2008/003219 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 10 June 2008 :
Priority Date: 11 June 2007 :
Attorney Docket No.: LGCHEM 3.3-130 :
For: NON-AQUEOUS ELECTROLYTE AND SECONDARY BATTERY COMPRISING THE SAME

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 01 February 2011. In a decision dated 13 October 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Sujin Yoon, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 01 February 2011 with the present petition was executed by the named inventor, the previous non-signing inventor, Sujin Yoon. The declaration filed 01 February 2011 is acceptable under 37 CFR 1.497.

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

The application has an international filing date of 10 June 2008 under 35 U.S.C. 363 and a date of 01 February 2011 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/663,592	02/01/2011	Hochun Lee	LGCHEM 3.3-130	5068

86765 7590 10/14/2011

LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
WANG, EUGENIA	

ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
10/14/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

[redacted]

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WG OCT 14 2011

In re application of	:	DECISION ON REQUEST TO
Hochun Lee et al.	:	PARTICIPATE IN PATENT
Serial No. 12/663,592	:	PROSECUTION HIGHWAY
Filed: February 1, 2011	:	PROGRAM AND
For: NON-AQUEOUS ELECTROLYTE AND SECONDARY BATTERY COMPRISING THE SAME	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 24, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit a copy of:

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

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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OCT 27 2010

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

PCT LEGAL ADMINISTRATION

In re Application of HERSEL et al :
U.S. Application No.: 12/663,628 :
PCT Application No.: PCT/EP2008/056981 : DECISION
Int. Filing Date: 05 June 2008 :
Priority Date Claimed: 08 June 2007 :
Attorney Docket No.: 514453-3970 :
For: LONG-ACTING POLYMERIC PRODRUGS OF EXENDIN :

This is in response to applicant's petition filed 15 September 2010, which is being treated under 37 CFR 1.497(d).

BACKGROUND

On 05 June 2008, applicant filed international application PCT/EP2008/056981, which claimed priority of an earlier European Patent Office application filed 08 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 11 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 December 2009.

On 08 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 June 2010, applicant filed an executed declaration.

On 05 August 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the inventive entity.

On 15 September 2010, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Ulrich Hersel, Dirk Vetter, and Thomas Wegge should be added as inventors.

37 CFR 1.497(d) states,

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

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has been provided.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 June 2010.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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JAN 14 2011
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COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of:	:	
TACHDJIAN, Catherine, et al.	:	
U.S. Application No.: 12/663,634	:	DECISION REGARDING
PCT No.: PCT/US2008/065650	:	SUBMISSION UNDER
International Filing Date: 03 June 2008	:	37 CFR 1.42
Priority Date: 08 June 2007	:	
Att. Dkt. No.: SENO-001/03US014810-2232	:	
For: MODULATION OF CHEMO-SENSORY RECEPTORS AND LIGANDS ASSOCIATED THEREWITH	:	

This communication is issued in response to applicants' submission on 01 December 2010 of a declaration executed on behalf of deceased Mark ZOLLER by his legal representative, Karen ZOLLER, which has been treated as a submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 03 June 2008, applicants filed international application PCT/US2008/065650. The application claimed a priority date of 08 June 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 December 2009.

On 08 December 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 02 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and sequence listing materials.

On 01 December 2010, applicants filed a response to the Notification Of Missing Requirements (Deposit Account No. 50-1283 will be charged the required three-month extension fee). The response included payment of the required surcharge and declarations executed by the 21 surviving inventors of record and on behalf of deceased Mark ZOLLER by his legal

representative, Karen ZOLLER. The declaration is considered herein under 37 CFR 1.42 and 1.497.[1]

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the declaration must provide the citizenship, mailing address, and residence information for the legal representative **and** the name and citizenship of the deceased inventor. Here, the signature box on the declaration executed on behalf of the deceased inventor includes a single residence address and a statement of US citizenship; however, even if the residence information provided is the required residence of the legal representative, the declaration does not comply with 37 CFR 1.497(b)(2) in that it does not provide separate citizenship information for both the legal representative and the deceased inventor. Because the filed declaration does not include all the information required by 37 CFR 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.42 and 37 CFR 1.497.

It is noted that the signature box executed by the legal representative identifies Karen ZOLLER, the legal representative, as the twenty-second inventor and as the legal representative of deceased inventor Mark ZOLLER, the twenty-second inventor of record. Any revised declaration executed by the legal representative submitted herein, in addition to clearly indicating the residence, mailing address and citizenship of the legal representative and the citizenship of the deceased inventor, should also unambiguously identify Mark ZOLLER as the inventor, with Karen ZOLLER executing the declaration on behalf of the deceased inventor as his legal representative.

Finally, the declaration contains an unacceptable non-dated, non-initialed hand-written alteration, specifically with respect to the address of the fifth inventor, Feng ZHANG. As set forth in MPEP section 605.04(a): "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated" (see 37 CFR 1.52(c)). Thus, applicants must provide a newly-executed declaration

[1] The response also states that sequence listing materials are not appropriately required in the present application.

from inventor Feng ZHANG that is acceptable under 37 CFR 1.497 and does not include any non-dated, non-initialed hand-written alterations.

CONCLUSION

The request for status under 37 CFR 1.42 with respect to deceased inventor Mark ZOLLER is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised oath or declaration executed on behalf of the deceased inventor by his legal representative, as discussed above, containing all the information required under 37 CFR 1.497 including the citizenship, residence, and mailing address of the legal representatives and the name and citizenship of the deceased inventor. Applicants must also provide an acceptable declaration from inventor Feng ZHANG that does not include any unacceptable hand-written alterations.

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

/RichardMRoss/

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

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WASHINGTON DC 20001

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MAY 24 2011

PCT LEGAL ADMINISTRATION

In re Application of:
TACHDJIAN, Catherine, et al.
U.S. Application No.: 12/663,634
PCT No.: PCT/US2008/065650
International Filing Date: 03 June 2008
Priority Date: 08 June 2007
Att. Dkt. No.: SENO-001/03US014810-2232
For: MODULATION OF CHEMO-SENSORY RECEPTORS AND LIGANDS ASSOCIATED THEREWITH

DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' "Response To Missing Requirements And Decision Regarding Submission Under 37 C.F.R. 1.42" filed on 14 April 2011, considered herein as a renewed submission under 37 CFR 1.42 and 1.497.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 14 January 2011. The decision dismissed without prejudice applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Mark ZOLLER, finding that the declaration filed on behalf of the deceased inventor was not acceptable as filed. The decision also required submission of a corrected declaration from co-inventor Feng ZHANG.

On 14 April 2011, applicants filed the present submission in response to the previous decision (with required one-month extension fee).

DISCUSSION

Applicants'14 April 2011 submission included a revised declaration executed on behalf of deceased co-inventor Mark ZOLLER by his legal representative, Karen ZOLLER. This revised declaration includes all required information, including the citizenship of the inventor and the citizenship, residence, and mailing address of the legal representative. Accordingly, the revised declaration filed on 14 April 2011 is acceptable under 37 CFR 1.42 and 1.497 with respect to the deceased inventor.

It is noted that applicants' 14 April 2011 submission also included a newly-executed declaration from co-inventor Feng ZHANG, as required by the previous decision.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Mark ZOLLER is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 April 2011.

/RichardMRoss/

Richard M. Ross
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Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

MAILED

NOV 16 2010

PCT LEGAL ADMINISTRATION

In re Application of:
DIELS et al.
Application No.: 12/663,652
PCT No.: PCT/EP2008/057166
Int. Filing Date: 09 June 2008
Priority Date: 08 June 2007
Attorney Docket No.: Q116419
For: CONSTRUCTION INDUSTRY PIPE FOR CONDUCTING FLUID MEDIUM HAVING RIGID SECTIONS ALTERNATING WITH FLEXIBLE SECTIONS

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 07 September 2010 and "Supplemental Petition under 37 CFR 1.47(a)" filed 04 November 2010 to accept the application without the signature of joint-inventor, Johny VAN DEN BULCKE.

BACKGROUND

On 09 June 2008, applicants filed international application PCT/EP2008/057166 which claimed a priority date of 08 June 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 08 December 2009.

On 08 December 2009, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 06 April 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 07 September 2010, applicants filed the present petition under 37 CFR 1.47(a) and three-month extension of time.

On 04 November 2010, applicants filed "Supplemental Petition under 37 CFR 1.47(a)"

DISCUSSION

Applicants claim that co-inventor Johny VAN DEN BULCKE refuses to cooperate in the above-captioned application.

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

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

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

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 19 August 2010 via FedEx. The documents provided to Johny VAN DEN BULCKE included instructions to sign and return the declaration. Further, the subject petition noted that the documents were delivered to Johny VAN DEN BULCKE on 24 August 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

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

Here, applicants have filed a declaration executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Johny VAN DEN BULCKE). This declaration is treated as having been executed by the available inventor on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Johny VAN DEN BULCKE under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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

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

Anthony Smith
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Johny VAN DEN BULCKE
Medaerstraat 40
3560 Dilsen-Stokken
Belgium

MAILED
NOV 16 2010
PCT LEGAL ADMINISTRATION

In re Application of:
DIELS et al.
Application No.: 12/663,652
PCT No.: PCT/EP2008/057166
Int. Filing Date: 09 June 2008
Priority Date: 08 June 2007
Attorney Docket No.: Q116419
For: CONSTRUCTION INDUSTRY PIPE FOR CONDUCTING FLUID MEDIUM HAVING RIGID SECTIONS ALTERNATING WITH FLEXIBLE SECTIONS

Dear Johny VAN DEN BULCKE:

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

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

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

Counsel of Record:
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/663,687	12/08/2009	Masami Kato	00862.135268.	5996

5514 7590 08/30/2010

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
SPARKS, DONALD ALAN	
ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
08/30/2010	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

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United States Patent and Trademark Office
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Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas
New york, NY 10104-3800

In re Application of: Masami K.
Application No. 12/663,687
Filed: December 08, 2009
For: Calculation processing apparatus and method.

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 18, 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 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;

(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);

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

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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New York NY 10008-0770

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
NEWMAN et al	:	
Application No: 12/663,821	:	
PCT No.: PCT/GB2008/002064	:	PETITION UNDER
Int. Filing Date: 17 June 2008	:	
Priority Date: 19 June 2007	:	
Attorney's Docket No.: 09841/0213204-USD	:	
For: REDOX MEDIATORS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 05 Agust 2010.

BACKGROUND

On 09 Decemberl 2009, applicants filed via EFS-WEB at the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the United States of America. Filed via EFS-WEB was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 05 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 05 Agust 2010, petitioner filed the present petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signature of one of the joint inventors, i.e., without the signature of Tai-Chu LAU.

DISCUSSION

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

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

Regarding item (1), petitioner has charged the correct petition fee of $200 under 37 CFR 1.17(g) to Deposit Account No.: 12-2424.. The petition fee of $400.00 provided by credit card will be refunded to the above Deposit Account no.

Regarding item (2), Mr. Houdek states that a complete copy of the application papers were mailed to the non-signing joint inventor, LAU as indicated by Mr. Askew affidavit. Mr. Askew states that a copy of the application papers were sent to Mr. LAU's last known home addresses and that he his respond was a refusal to sign the required documents. However, petitioner has not provided the cover letter mailed with the application papers, the date the and application papers were and has not included documentary evidence such as a signed receipt acknowledging that the papers were delivered at Mr. LAU or the eamail correspondence between them.. Exhibit 1 of Mr. Askew provides indicates that Mr. Lau states that that he had not received any document from you and if can you send it again (15/3/2010) Although the declaration shows that something was received and that Mr. Lau refuses, there is no specific mention that this correspondence is specific to this application 12/663,821 (PCT/GB2008/002064) and it is unclear if these are emails or summaries of discussions.

Accordingly, the current record does not support the premise that Mr. Lau's conduct constitutes refusal at this time.

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

Tai-Chu LAU
City University of Hong Kong
Tat Chee Avenue
Kowloon Tong
Hong Kong

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signature of Mr. LAU.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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

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

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FEB 16 2011

PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
NEWMAN et al	:	
Application No: 12/663,821	:	
PCT No.: PCT/GB2008/002064	:	PETITION UNDER
Int. Filing Date: 17 June 2008	:	
Priority Date: 19 June 2007	:	
Attorney's Docket No.: 09841/0213204-USD	:	
For: REDOX MEDIATORS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 20 December 2010.

BACKGROUND

In a decision from this Office on 21 October 2010, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 20 December 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 21 October 2010 with respect to accepting the above application without the signature of joint inventor Tai-Chu LAU. The petition is accompanied with additional evidenced a copy of the letter (exhibit A) that was mailed with the application papers.

DISCUSSION

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

Petitioner has satisfied requirements (1), (2) - (4) of 37 CFR 1.47(a) but not item (3) under 37 CFR 1.47(a).

The renewed petition of 20 December 2010 has satisfied item (2) under 37 CFR 1.47(a). However, a further review of the petition shows that item (3) under 37 CFR 1.47(a) was not satisfied.

Regarding item (2), Mr. Houdek, who has first-hand knowledge of the facts of the previous petition, has provided a copy of the letter sent with the application papers of above-referenced application that shows that that packaged enclosed a complete copy of the application papers and requesting that Mr. Lau execute the declaration and to return it. The application papers were delivered on December 6, 2010 and signed by "MS LAM."

Regarding item (3), a further review of the petition shows that petitioner has not provided an affirmative statement of the last known address of the missing inventor in the petition, rather petitioner provided the address of the City University of Hong Kong (appears to be place of employment for Mr. Lau). For the purposes of the declaration, it is ok if the mailing address given is a work address but the home address of the nonsigning joint inventor is needed when filing a petition under 37 CFR 1.47(a).

MPEP 605.03 the relevant part states:

In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's **most recent home address must** be given to enable the Office to communicate directly with the inventor as necessary.

As such, if the last known address given for a missing inventor is clearly not the inventor's home address (e.g., a corporate address, a university, etc.), then the petition has not satisfied item (3) under 37 CFR 1.47(a).

Consequently, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

Rafael Bacares
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JUN 29 2011

PCT LEGAL ADMINISTRATION

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New York NY 10008-0770

In re of	:	DECISION ON RENEWED
NEWMAN et al	:	
Application No: 12/663,821	:	
PCT No.: PCT/GB2008/002064	:	PETITION UNDER
Int. Filing Date: 17 June 2008	:	
Priority Date: 19 June 2007	:	
Attorney's Docket No.: 09841/0213204-USD	:	
For: REDOX MEDIATORS	:	37 CFR 1.47

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47" filed on 05 May 2011.

BACKGROUND

In a decision from this Office on 16 February 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (3) had not been satisfied.

On 05 May 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 16 February 2011 with respect to accepting the above application without the signature of the nonsigning inventor. Filed with the renewed petition, *inter alia*, is a statement by Mr. Huser that the last known address for the nonsigning inventor, Tai-Chu LAU, is City University of Hong Kong.

DISCUSSION

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

The renewed petition of 05 May 2011 has satisfied item (3) under 37 CFR 1.47(a). Thus satisfying all the requirements under 37 CFR 1.47(a).

Petitioner has provided the last known address of nonsigning co-inventor, Tia-Chu LAU. Mr. Huser has indicated Lau's home address has never been known to Applicants and the only address known has been the City University of Hong Kong. Mr. Huser has indicated that he spoke with Ms. Lam the person who received the package at the university and the package was forwarded to Mr. Lau. Mr. Lau has since contacted Mr. Huser (Exhibit F). As a result, the address of the City University may be used as his last known address.

Tai-Chu LAU
City University of Hong Kong
Department of Biology and Chemistry
Tat Chee Avenue
Kowloon Tong
Hong Kong

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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PCT Legal Office
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Tai-Chu LAU
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MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re of
NEWMAN et al
Application No: 12/663,821
PCT No.: PCT/GB2008/002064
Int. Filing Date: 17 June 2008
Priority Date: 19 June 2007
Attorney's Docket No.: 09841/0213204-USD
For: REDOX MEDIATORS

Dear: Lau,

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

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

Rafael Bacares
PCT Legal Examiner
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Telephone: (571) 272-3276
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Date: 03/15/11

Patent No. : 7893060 B2
Ser. No. : 12/663,823
Inventor(s) : **Hancox , et al.**
Issued : **February 22, 2011**
Title : Thiazolopyrimidines and their use as inhibitors of phosphatidylinositol-3 kinase
Docket No. : **P4259**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

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

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

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

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0025
ATTN: Office of Petitions

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

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

LMN

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MAILED

JUL 11 2011

OFFICE OF PETITIONS

In re Patent No. 7,893,060 :
Issue Date: 22 February, 2011 :
Application No. 12/663,823 : ON PETITION
Filed: 9 December, 2009 :
Attorney Docket No. P4259 :

This is a decision on the petition filed on 25 March, 2011, pursuant to 37 C.F.R. §1.183 and §3.81(b) to correct, *inter alia*, the name of the assignee on the front page of the above-identified patent by way of a certificate of correction under 37 C.F.R. §1.323.

NOTE:

The form submitted by Petitioner appears to misstate the name of the Assignee.

The petition is **DISMISSED**.

ANALYSIS

Congress has authorized the issuance of patents in the name(s) of the assignee(s):

> **35 U.S.C. §152 Issue of patent to assignee.**
> Patents may be granted to the assignee of the inventor of record in the Patent and Trademark Office, upon the application made and the specification sworn to by the inventor, except as otherwise provided in this title. (Emphasis supplied.)

The regulations at 37 C.F.R. §3.81 that set forth the applicable procedure:

§ 3.81 Issue of patent to assignee.

***

(b) *After payment of the issue fee:* An application may issue in the name(s) of the assignee(s) consistent with the application's assignment where a request for such issuance along with the processing fee set forth in § 1.17(I) of this chapter is submitted after the date of payment of the issue fee, but prior to issuance of the patent, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded, the request should be accompanied by the assignment and either a direction to record the assignment in the Office pursuant to § 3.28, or a statement under § 3.73(b).
(c) *Partial assignees.*

***

(2) If multiple assignees hold the entire right, title, and interest to the exclusion of all the inventors, the patent may issue in the names of the multiple assignees. (Emphasis supplied.)

The commentary at MPEP §1481.01 provides that:

***

1481.01 Correction of Assignees' Names [R-3]

***

Any request for the issuance of an application in the name of the assignee submitted after the date of payment of the issue fee *** must:

(A) state that the assignment was submitted for recordation as set forth in 37 C.F.R. §3.11 before issuance of the patent;
(B) include a request for a certificate of correction under 37 C.F.R. §1.323 along with the fee set forth in 37 C.F.R. §1.20(a); and
(C) include the processing fee set forth in 37 C.F.R. §1.17(i).
See 37 C.F.R. §3.81(b).

Petitioner has authorized submitted the applicable fees.

Patent No. 7,893,060
Application No. 12/663,823

Petitioner has submitted a form for correction, but appears to misstate the name of the Assignee as F. Hoffmann-LaRoche, rather than F. Hoffmann LaRoche AG.

A review of Office records indicates that there is no assignment recorded as to F. Hoffmann-LaRoche prior to issue—only to F. Hoffmann LaRoche AG.

CONCLUSION

Certificates of Correction are limited as to the assignee(s) are limited to the record as of the date of issue.

Accordingly, the petition is **dismissed**.

The file is released to IFW Files Repository.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

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.
12/663,848	12/10/2009	George Philip Lahm	137738.00301 BA9399USPCT	8025

95724 7590 03/13/2012

Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312

EXAMINER	
SHAMEEM, GOLAM M	

ART UNIT	PAPER NUMBER
1622	

MAIL DATE	DELIVERY MODE
03/13/2012	PAPER

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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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MAR 1 3 2012

PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN, PA 19312

In re Application of	:	
George Philip LAHM, et al	:	NOTICE OF WITHDRAWAL
Serial No. 12/663848	:	FROM ISSUE
Filed: December 10, 2009	:	UNDER 37 CFR 1.313(b)
For: ANIMAL PEST CONTROL METHOD	:	

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

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

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

The application is being forwarded to the examiner for action.

Wanda L. Walker, Director
Technology Center 1600

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

PTO/SB/20PCT-JP (01-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/663,855	Filing date:	December 10, 2009
First Named Inventor:	Yuji Kaneda		
Title of the Invention:	FACIAL EXPRESSION RECOGNITION APPARATUS AND METHOD, AND IMAGE CAPTURING APPARATUS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/061376

The international date of the corresponding PCT application(s) is/are: June 17, 2008

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 10, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 10, 2009

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-JP (01-10)
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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 JPO AND THE USPTO

(continued)

Application No.:	12/663,855
First Named Inventor:	Yuji Kaneda

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Both claims are substantially same.
2	2	Both claims are substantially same.
3	3	Substantially same except for claim dependency.
4	4	Substantially same except for claim dependency.
5	5	Substantially same except for claim dependency.
6	6	Substantially same except for claim dependency.
7	7	Substantially same except for claim dependency.
8	8	Substantially same except for claim dependency.
9	9	Substantially same except for claim dependency.
10	10	Both claims are same.
11	11	Both claims are same.
12	12	Substantially same except for claim dependency.
13	13	Substantially same except for claim dependency.
14	14	Substantially same except for claim dependency.
15	15	Substantially same except for claim dependency.
16	16	Both claims are substantially same.
17	17	Both claims are substantially same.
18	18	Both claims are substantially same.
19	19	Both claims are same.
20	20	Both claims are substantially same.
22,23,24	22	Substantially same except for claim dependency.

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 /Brian L. Klock/	Date November 9, 2011
Name (Print/Typed) Brian L. Klock	Registration Number 36,570

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.
12/663,855	12/10/2009	Yuji Kaneda	00862.135295.	8077

5514 7590 11/22/2011

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
LI, RUIPING	
ART UNIT	**PAPER NUMBER**
2624	
MAIL DATE	**DELIVERY MODE**
11/22/2011	PAPER

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

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
KANEDA et al.
Application No.: 12/663,855
Filed: 10 December 2009
Attorney Docket No.: 00862.135295.
For: FACIAL EXPRESSION RECOGNITION APPARATUS AND METHOD, AND IMAGE CAPTURING APPARATUS

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 09 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

Tech Center Routing Sheet

Application #	12/841955	Doc Code Date	11/22/11
Date of Request	11/22/11	Doc Code	PPH. Decision (if not listed)

☐ 136A Blanket Authorization to charge fee	☐ CRFE CRF Entered	☐ NPL Non Patent Literature
☐ A.. Amendment	☐ CTMS Misc. Office Action	☐ NRES Letter restarting period of repsonse
☐ AMSB Amendment Submitted with CPA/RCE	☐ DISQ Terminal Disclaimer Approval Form	☐ NTC.A.NONCPL Notice of Non-Compliant Amendment
☐ ANE.I Amendment After Final, Initialed by Examiner	☐ EXIN Examiner Interview	☐ PET.DEC.TC Petition Decision Routed to TC
☐ APDEC Board of Appeals Decision	☐ FOR Foreign Reference	☐ SA Supplemental Response or Amendment
☐ APEA Examiner's Answer to Appeal Brief	☐ IIFW File Wrapper Issue Information	☐ SRFW File Wrapper Search Information
☐ BIB Bibiliographic Data Sheet	☐ N271 Response to Amendment under 312	☐ SRNT Examiner Search Notes
☐ CLM Claims	☐ N570 Accepted Change to Power of Attorney	☐ WCLM Claim Worksheet
☐ CLMPTO USPTO Prepared Claim Set	☐ NFDR Formal Drawings Required	☐ WFEE Fee Worksheet
☐ CRFD CRF Defective	☐ NOA Notice of Allowability or Allowance	☐ XRUSH Response to a Printer Query

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/841,955	07/22/2010	Masao Akimoto	056232.00224	3086

44955 7590 11/22/2011

SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

EXAMINER	
ZIMMERMAN, MARK K	
ART UNIT	**PAPER NUMBER**
2625	
MAIL DATE	**DELIVERY MODE**
11/22/2011	PAPER

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

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

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SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

In re Application of
AKIMOTO et al.
Application No.: 12/841,955
Filed: 22 July 2010
Attorney Docket No.: 056232.00224
For: IMAGE PROCESSING 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 14 November 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

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DEC 02 2010

PCT LEGAL ADMINISTRATION

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

In re Application of:
ISHIHARA, Nobuhide
U.S. Application No.: 12/663,934
PCT No.: PCT/JP2008/059874
International Filing Date: 29 May 2008
Priority Date: 13 June 2007
Attorney's Docket No.: 352117US0PCT
For: OLEFIN/AROMATIC VINYL COPOLYMER ...

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Response To Notice Of Defective Response" filed on 08 November 2010, treated herein under 37 CFR 1.497(d).[1] Applicant has paid the required $130 processing fee.

BACKGROUND

On 29 May 2008, applicant filed international application PCT/JP2008/059874. The application claimed a priority date of 13 June 2007, and it designated the United States. On 18 December 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 13 December 2009. The published international application identified a single applicant/inventor for the United States: Nobuhide ISHIHARA.

On 10 December 2009, applicant filed materials requesting entry into the national stage in the United States including, among other materials, payment of the basic national fee and an English translation of the international application.

On 07 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 05 August 2010, applicants filed a response to the Notification of Missing Requirements (with required extension fee). The response included a declaration executed by the inventor of record as well as a second person, Zhaomin HOU.

[1] The present submission refers to 37 CFR 1.48(a); however, where, as here, applicant is seeking to change the inventorship in an application entering the U.S. national stage under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

On 09 August 2010, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 05 August 2010 was defective based on the inclusion of Zhaomin HOU.

On 08 November 2010, applicants filed the "Response To Notice Of Defective Response" considered herein under 37 CFR 1.497(d). The submission requests that JZhaomin HOU be added to the present application as an additional inventor of record.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, the declaration filed by applicants on 05 August 2010 names an inventive entity different than that set forth in the international application. Specifically, Zhaomin HOU has been included as an additional inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants present submission includes the required statement of non-deceptive intent from the inventor to be added, Zhaomin HOU, and payment of the required processing fee. Requirements (A) and (B) are therefore satisfied.

With respect to requirement (C), applicants have submitted statements of consent to the requested change of inventorship executed by representatives of two different assignees, RIKEN and Idemitsu Kosan Co., LTD; however, these statements of consent were not accompanied by the required statements in compliance with 37 CFR 3.73(b), as also required. Because the assignees' consent has not been submitted in compliance with 37 CFR 3.73(b), requirement (C) of a grantable request under 37 CFR 1.497(d) is not satisfied on the present record.

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d) to add Zhaomin HOU as an additional inventor herein. The request is therefore appropriately dismissed.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application, that is, Nobuhide ISHIHARA.

The declaration document filed 05 August 2010, which includes an additional inventor, is defective on the present record for failure to properly identify the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy requirement (C) of a grantable request, as discussed above and in the MPEP.

Failure to file a proper and timely response will result in abandonment of the application. Extensions of time under the provision of 37 CFR 1.136(a) are available.

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

/RichardMRoss/

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

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

MAILED

MAR 30 2011

PCT LEGAL ADMINISTRATION

In re Application of:
ISHIHARA, Nobuhide, et al.
U.S. Application No.: 12/663,934
PCT No.: PCT/JP2008/059874
International Filing Date: 29 May 2008
Priority Date: 13 June 2007
Attorney's Docket No.: 352117US0PCT
For: OLEFIN/AROMATIC VINYL COPOLYMER ...

DECISION
(37 CFR 1.497(d))

This decision is issued in response to the "RESPONSE TO NOTICE OF DEFECTIVE RESPONSE" filed on 01 February 2011, treated herein under 37 CFR 1.497(d). Applicants have previously paid the required $130 processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 02 December 2010. The decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d), finding that all the requirements of a grantable request were not satisfied. Specifically, applicants had failed to provide the consent of the assignees in the form required under 37 CFR 3.73.

On 01 February 2011, applicants filed the renewed request under 37 CFR 1.497(d) considered herein.

DISCUSSION

The 01 February 2011 submission includes a "STATEMENT UNDER 37 C.F.R. § 3.73(b) ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION" executed on behalf of the two assignees, Riken and Idemitsu Kosan Co., LTD. The statements include the express consent of the assignees to the requested addition of Zhaomin HOU as an additional inventor herein. These materials provide the required consent of the assignees in compliance with 37 CFR 3.73. Applicants have therefore now satisfied the final element of a grantable request to correct inventorship under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record is corrected to add Zhaomin HOU as an additional inventor herein.

In view of this correction, the declaration filed on 05 August 2010, which names and is executed by the original inventor of record Nobuhide ISHIHARA and added inventor of record Zhaomin HOU, may now be accepted under 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 November 2010.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/663,992	12/10/2009	Ken Asakura	Q115880	9101

23373 7590 04/20/2011

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

EXAMINER	
CHAMBERS, TRAVIS SLOAN	
ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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

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

In re Application of
ASAKURA et al.
Application No.: 12/663,992
Filed: 10 December 2009
Attorney Docket No.: Q115880
For: CONNECTOR STRUCTURE OF ELECTRICAL EQUIPMENT AND 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 18 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

MAILED
SEP 22 2011
OFFICE OF PETITIONS

Applicant: Braterman, et al.
Appl. No.: 12/664,030
International Filing Date: July 2, 2008
Title: NICKEL INCORPORATION INTO LDH CHLOROBENZENESULFONATE
Attorney Docket No.: UNTD-0042WO/US
Pub. No.: US 2010/0256269 A1
Pub. Date: October 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 1, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 33 wherein "$M^{(III)}$" is misprinted as "$M^{(II)}$".

The request is dismissed.

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 in claim 33 wherein "$M^{(III)}$" is misprinted as "$M^{(II)}$" is not a material Office error under 37 CFR .1221(b). The error in the claim is not a material Office error because the claim was correctly published in the PCT application as WO 2009/011764.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character

[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).

recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

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

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

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

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

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

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

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

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United States Patent and Trademark Office
P.O. Box 1450
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BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM AL 35203-2104

MAILED

DEC 12 2011

OFFICE OF PETITIONS

In re Application of :
ZHANG et al. :
Application No. 12/664,036 : NOTICE
Filed: 09/21/2010 :
Attorney Docket No. P106627US00NJ :

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 22, 2011.

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

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

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

This application is being forwarded to Technology Center Art Unit 3676 for examination in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 28 2010

PCT LEGAL ADMINISTRATION

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of
IM *et al*
U.S. Application No.: 12/664,135
PCT No.: PCT/KR2008/003286
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Docket No.: 5097-0143PUS1
For: MIDDLE OR LARGE SIZED BATTERY PACK CASE PROVIDING IMPROVED DISTRIBUTION UNIFORMITY OF COOLANT FLUX

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 13 August 2010.

BACKGROUND

On 13 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 13 August 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by several inventors on behalf of four nonsigning inventors; a $200.00 petition fee; a two-month extension and $490.00 extension fee; a statement of facts signed by Su-Jin Kim, documentary evidence in support of the petition; and authorization to charge any required fee to Deposit Account No. 02-2448.

DISCUSSION

Applicants claim that co-inventors, Jaesung AHN, Dooseong CHOI and Heekook YANG could not be reached after diligent effort, and Sang Phil HAN refused to sign.

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

Applicants submitted a $200.00 petition fee. The last known address of each nonsigning inventor was provided in the petition. A declaration signed by three of the seven named inventors on their behalf and on behalf of the nonsigning inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied for all nonsigning inventors.

Concerning item (2) of 37 CFR 1.47(a) for Jaesung AHN, Dooseong CHOI and Heekook YANG.

Applicants claim that these joint inventors could not be reached. In each case, Su-Jim Kim states that a copy of the declaration and assignment were sent to the last known addresses of Mr. AHN, Mr. CHOI and Mr. YANG on 20 May 2010. The papers were all returned as undeliverable, and that no forwarding address was available. Mr. Kim claims that he attempted to contact each of the three inventors by telephone "but the telephone number was disconnected." Finally, Mr. Kim made an "attempt to find a new address or phone number" for each inventor, "but none could be found in available directories."

MPEP § 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in relevant part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of facts by Mr. Kim for each nonsigning inventors does not sufficiently detail the steps taken to meet the requirements of the MPEP. Mr. Kim states that an attempt to find a new address or phone number for Mr. AHN, Mr. CHOI and Mr. YANG was made, but none could be found in available directories. No other information was provided.

The statement does not list the directories searched, what were the search areas, whether the internet was used, and whether former co-workers or employers were contacted. Applicants also did not provide dócumentary evidence of the searches made as required. These actions are not extraordinary and are required to show that a diligent effort was made to locate the three missing joint inventors. For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete for Mr. AHN, Mr. CHOI and Mr. YANG.

Regarding item (2) of 37 CFR 1.47(a) for Sang Phil HAN.

Applicants claim that Mr. HAN refuses to sign the papers. Su-Jim Kim states that a copy of the declaration and assignment were sent to the last known address of Mr. HAN on 20 May 2010. The papers were returned on 24 May 2010 by the Post Office with a note of "refusal" on the envelope of the mail. Copies of the notice of delivery with an accompanying English translation were provided in the petition. A review of the evidence provided shows that the Post Office refused to accept the papers and also wrote on the envelope "Please give this mail to a postman."

MPEP § 409.03(d)(II) states that "[p]roof 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" to show a refusal to join.

Here, only a declaration and assignment were sent to Mr. HAN. A complete copy of the subject application must be forwarded to each inventor for signature for a refusal to join to be granted in such circumstances. For this reason, item (2) of 37 CFR 1.47(a) is also not satisfied for Sang Phil HAN.

CONCLUSION

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

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

The $130.00 surcharge fee has been charged to Deposit Account No. 02-2448 as authorized.

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

Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM *et al*
U.S. Application No.: 12/664,135
PCT No.: PCT/KR2008/003286
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney Docket No.: 5097-0143PUS1
For: MIDDLE OR LARGE SIZED BATTERY PACK CASE PROVIDING IMPROVED DISTRIBUTION UNIFORMITY OF COOLANT FLUX

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 28 December 2010.

BACKGROUND

On 28 October 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 28 December 2010, applicants filed the subject response which was, accompanied by, *inter alia*, four supplemental statement of facts by Su-Jin Kim, and documentary evidence in support of the petition.

DISCUSSION

Applicants filed a petition under 37 CFR 1.47(a) for four nonsigning inventors in the subject application. Applicants claim that Jaesung AHN, Dooseong CHOI and Heekook YANG could not be reached, and that Sang Phil HAN's actions constitute a refusal to join.

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

Items (1), (3) and (4) of 37 CFR 1.47(a) were satisfied in the initial petition.

Regarding item (2) of 37 CFR 1.47(a), applicants claim that co-inventors, Jaesung AHN, Dooseong CHOI and Heekook YANG, could not be reached. However, the prior decision noted that the statement of facts lacked sufficient detail and the required documentary evidence to meet the requirements of MPEP § 409.03(d)(I).

In the renewed petition, applicants have provided a supplemental statement of facts by Su-Jin Kim for each inventor. Ms. Kim details the steps take to locate each of the three co-inventors including former co-workers and internet searches performed. Applicants included copies of search pages supporting a finding that the three nonsigning inventors could not be reached. A review of the evidence shows that a diligent effort was made to locate co-inventors, Jaesung AHN, Dooseong CHOI and Heekook YANG. This evidence meets the requirements of MPEP § 409.03(d)(I).

With regards to Sang Phil HAN, the supplemental statement of facts states that a complete copy of the subject application was included with the papers mailed 20 May 2010 to the last known address of Mr. HAN. Applicants previously showed that Mr. HAN had refused delivery of the documents. A copy of the postal receipt with an accompanying English translation was provided in the initial petition. This evidence is sufficient to meet the requirements of MPEP § 409.03(d)(II).

Item (2) of 37 CFR 1.47(a) is now complete for all four nonsigning inventors.

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 June 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 13 August 2010.

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Jaesung Ahn
305-604, Jungang Heights
Gwanpyeong-dong, Yuseong-gu
Daejeon 305-509
Korea

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM *et al*
U.S. Application No.: 12/664,135
PCT No.: PCT/KR2008/003286
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney Docket No.: 5097-0143PUS1
For: MIDDLE OR LARGE SIZED BATTERY PACK CASE PROVIDING IMPROVED DISTRIBUTION UNIFORMITY OF COOLANT FLUX

Dear Mr. Ahn:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Dooseong Choi
4-1004, Hangaram Apt.,
Tanbang-dong, Seo-gu
Daejeon 302-762
Korea

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM *et al*
U.S. Application No.: 12/664,135
PCT No.: PCT/KR2008/003286
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney Docket No.: 5097-0143PUS1
For: MIDDLE OR LARGE SIZED BATTERY PACK CASE PROVIDING IMPROVED DISTRIBUTION UNIFORMITY OF COOLANT FLUX

Dear Mr. Choi:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Falls Church, VA 22040-0747

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

Heekook Yang
373-4, Guseong-dong, Yuseong-gu
Daejeon 305-338
Korea

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM *et al*
U.S. Application No.: 12/664,135
PCT No.: PCT/KR2008/003286
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney Docket No.: 5097-0143PUS1
For: MIDDLE OR LARGE SIZED BATTERY PACK CASE PROVIDING IMPROVED DISTRIBUTION UNIFORMITY OF COOLANT FLUX

Dear Mr. Yang:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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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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Sang Phil Han
304-601, Expo Apt..,
Jeonmin-dong, Yuseong-gu
Daejeon 305-761
Korea

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM *et al*
U.S. Application No.: 12/664,135
PCT No.: PCT/KR2008/003286
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney Docket No.: 5097-0143PUS1
For: MIDDLE OR LARGE SIZED BATTERY PACK CASE PROVIDING IMPROVED DISTRIBUTION UNIFORMITY OF COOLANT FLUX

Dear Mr. Han:

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

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

James Thomson
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Office of PCT Legal Administration

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BIRCH STEWART KOLASCH & BIRCH
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3 AUG 2010

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DICKINSON WRIGHT PLLC
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BLOOMFIELD HILLS MI 48304-2970

In re Application of	:	
HURLEY, Richard James, et al.	:	
Application No.: 12/664,150	:	DECISION
PCT No.: PCT/GB2008/050445	:	
Int. Filing Date: 13 June 2008	:	ON PETITION UNDER
Priority Date: 13 June 2007	:	
Docket No.: 38028-5	:	37 CFR 1.47(a)
For: PRESSURE REDUCING VALVE CONTROL	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 June 2010.

BACKGROUND

On 30 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 01 June 2010, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The $200 petition fee will be charged to deposit account no. 04-1061, as authorized. Applicant states the last known address of Mr. John Henry May as 56a High Street; Flitwick, Bedfordshire MK45 1DX; United Kingdom.

Item (2) has not been satisfied. Applicants are alleging that inventor May has refused to join the application. As set forth in MPEP 409.03(d), where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Here the presentation of the

papers was allegedly accomplished by Mr. Drew Lamb on Mr. May's counsel. The statement of facts should be from Mr. Lamb. Further, the petition states only that a declaration was sent to the inventor, although the cover letter indicates that the application was included. Refusal to sign a declaration, absent presentation with a complete copy of the application papers is not ordinarily sufficient. See Id.

Item (4) has not been satisfied. The declaration is composed on one page each of 1, 2 and 4, but two pages 3. The pages 3 list the same inventors, but were separately executed. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy as executed by the inventor must be returned to the Office. An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

/Erin P. Thomson/

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In re Application of	:	
HURLEY, Richard James, et al.	:	
Application No.: 12/664,150	:	DECISION
PCT No.: PCT/GB2008/050445	:	
Int. Filing Date: 13 June 2008	:	ON PETITION UNDER
Priority Date: 13 June 2007	:	
Docket No.: 38028-5	:	37 CFR 1.47(a)
For: PRESSURE REDUCING VALVE CONTROL	:	

This is a decision on applicants' request for reconsideration of Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 September 2010.

BACKGROUND

On 03 August 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 02 September 2010, applicants filed this renewed petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

As applicants have located inventor May and he has signed a declaration, this petition under 37 CFR 1.47(a) is moot.

However, none of the declarations of the inventors is in compliance with 37 CFR 1.497(a)-(b). None of the declarations states the correct inventive entity, with the declaration of John Henry May stating he is the sole inventor in the application. See 37 CFR 1.41(a)(4). Further, the declarations of Richard James Hurley and Mark Nicholas Lock are only the first three pages of what were submitted as 4 page declarations on 01 June 2010. MPEP 605.04(a) (stating "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant.") While it is acceptable for inventors to execute separate copies of the oath or declaration, each copy must state the correct inventive entity and must be returned to the Office in the form in which it was executed by inventor.

CONCLUSION

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

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available.

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

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In re Application of :
HURLEY, Richard James, et al. :
Application No.: 12/664,150 : DECISION
PCT No.: PCT/GB2008/050445 :
Int. Filing Date: 13 June 2008 : ON PETITION UNDER
Priority Date: 13 June 2007 :
Docket No.: 38028-5 : 37 CFR 1.47(a)
For: PRESSURE REDUCING VALVE :
CONTROL :

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 24 February 2011.

BACKGROUND

On 01 November 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicant's petition as moot, but requiring a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 24 February 2011, applicants filed a renewed petition under 37 CFR 1.47(a). The fee for a two month extension of time will be charged to deposit account no. 04-1061, as authorized.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2) and (3) have been met. The $200 petition fee was previously paid. Applicant states the last known address of Mr. John Henry May as 56a High Street; Flitwick, Bedfordshire MK45 1DX; United Kingdom.

Item (4) has not been satisfied. An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required. Applicants indicate that a declaration of the inventors accompanied this petition, but it was not located in the file.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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PCT LEGAL ADMINISTRATION

In re Application of :
HURLEY, Richard James, et al. :
Application No.: 12/664,150 :
PCT No.: PCT/GB2008/050445 :
Int. Filing Date: 13 June 2008 :
Priority Date: 13 June 2007 :
Docket No.: 38028-5 :
For: PRESSURE REDUCING VALVE CONTROL :

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 22 June 2011.

BACKGROUND

On 03 May 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicant's petition without prejudice.

On 22 June 2011, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2) and (3) have been met. The $200 petition fee was previously paid. Applicant states the last known address of Mr. John Henry May as 56a High Street; Flitwick, Bedfordshire MK45 1DX; United Kingdom.

Item (4) has been satisfied. The 01 June 2010 declaration complies with 37 CFR 1.497(a)-(b). The 22 June 2011 declaration will remain in the file for compliance with 37 CFR 1.63.

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **01 June 2010**.

/Erin P. Thomson/

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PCT LEGAL ADMINISTRATION

John Henry May
56a High Street
Flitwick, Bedfordshire MK45 1DX
United Kingdom

In re Application of
HURLEY, Richard James, et al.
Application No.: 12/664,150
PCT No.: PCT/GB2008/050445
Int. Filing Date: 13 June 2008
Priority Date: 13 June 2007
Docket No.: 38028-5
For: PRESSURE REDUCING VALVE CONTROL

Dear Mr. May:

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

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

/Erin P. Thomson/

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MILWAUKEE WI 53202-4497

In re Application of	:	DECISION ON
DORAN et al	:	
Application No.: 12/664,181	:	
PCT No.: PCT/US2003/066897	:	
Application No: 12/664,181	:	
Int. Filing Date: 13 June 2008	:	PETITION UNDER
Priority Date: 13 June 2007	:	
Attorney's Docket No.: 990029.00085	:	
For: POWDER METAL COMPONENT TOLERANCE	:	
IMPROVEMENTS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a) TO ACCEPT A... NON-SIGNING INVENTOR" filed on 16 June 2010. The petition fee of $200.00 has been charged to Deposit Account No. 17-0055.

BACKGROUND

On 13 June 2008, applicants filed international application PCT/US2003/066897, which claimed priority to an earlier application filed 13 June 2007.

On 11 December 2009, applicants filed a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above the above papers.

On 30 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 16 June 2010, applicants filed a "PETITION UNDER 37 CFR 1.47(a)," which included, *inter alia*, a petition under 37 CFR 1.47, an executed declaration signed by Ian Donaldson and James T. Young II on their behalf and on the behalf of the non-signing inventor, Michael C. Doran, and statement by John D. Franzini.

DISCUSSION

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

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied requirements (1), and (4) of 37 CFR 1.47(a) but not requirements (2) - (3) under 37 CFR 1.47(a).

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

Regarding requirement (2), the averments of John D. Franzini are sufficient to support a finding that the nonsigning inventors, Michael C. Doran, refuses to sign because a copy of the patent application and declaration were mailed to Mr. Doran on May 21, 2010 and received by him on May 28, 2010. Moreover, on June 7, 2010 Mr. Franzini spoke with Mr. Doran and he stated that he would not sign any documents.

However, it is not clear from the petition that it was Mr. Franzini who performed the actions listed in the petition in section 1, that is, the person who mailed the application papers, and has first hand knowledge of those facts as required by MPEP Section 409.03(d). If Mr. Franzini was not the person who performed the actions listed, petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts.

Regarding requirement (3), petitioner has not provided an affirmative statement of the last known address of the missing inventors in the petition.

Regarding requirement (4), petitioner has provided a proper executed declaration.

Consequently, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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MILWAUKEE WI 53202-4497

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PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
DORAN et al	:	
Application No.: 12/664,181	:	
PCT No.: PCT/US2003/066897	:	
Application No: 12/664,181	:	
Int. Filing Date: 13 June 2008	:	PETITION UNDER
Priority Date: 13 June 2007	:	
Attorney's Docket No.: 990029.00085	:	
For: POWDER METAL COMPONENT TOLERANCE IMPROVEMENTS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)... NON-SIGNING INVENTOR" filed on 13 September 2010.

BACKGROUND

In a decision from this Office on 01 September 2010, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (2) and (3) have not been satisfied.

On 13 September 2010, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 01 September 2010 with respect to accepting the above application without the signature of Mr. Doran. A declaration by Tracey A. Baxter has been included in the current petition.

DISCUSSION

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

The renewed petition of 13 September 2010 has satisfied items (2) – (3) under 37 CFR 1.47(a).

Regarding item (2), the statements by Ms. Baxter, who has first-hand knowledge of the facts of the previous petition, and she has provided a statement outlining the steps taken to mail the application papers to the non-signing inventor Mr. Doran by UPS and its delivery (Exhibit D), and Mr. Doran's refusal by phone June 7, 2010. The cover letter mailed to him has been included (Exhibit A).

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

Regarding item (3), petitioner has affirmatively provided the last known address of the nonsigning co-inventor, Mr. Doran.

Mr. Michael C. Doran
409 3rd St., Falls Creek
PA 15840

Petitioner has now satisfied all item under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

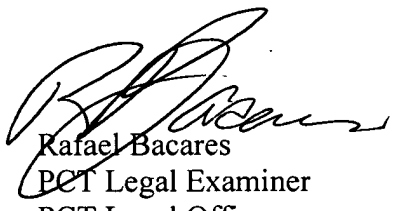
CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.



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Mr. Michael C. Doran
409 3rd St., Falls Creek
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PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
DORAN et al	:	
Application No.: 12/664,181	:	
PCT No.: PCT/US2003/066897	:	
Application No: 12/664,181	:	
Int. Filing Date: 13 June 2008	:	PETITION UNDER
Priority Date: 13 June 2007	:	
Attorney's Docket No.: 990029.00085	:	
For: POWDER METAL COMPONENT TOLERANCE IMPROVEMENTS	:	37 CFR 1.47(a)

Dear: Doran

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

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

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24 AUG 2010

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In re Application of LEE et al.	
Application No.: 12/664,183	DECISION ON PETITION
PCT No.: PCT/GB08/02036	
Int. Filing Date: 16 June 2008	UNDER 37 CFR 1.47(a)
Priority Date: 16 June 2007	
Attorney Docket No.: 051875-406110	
For: FREEZE-DRIED COMPOSITIONS FOR CARRYING OUT PCR AND OTHER BIO-CHEMICAL REACTIONS	

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 23 June 2010, to accept the application without the signature of joint inventor EMMA HENDERSON. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 16 June 2008, applicant filed international application PCT/GB08/02036, which claimed a priority date of 16 June 2007. The thirty month period for paying the basic national fee in the United States expired at midnight on 16 December 2009.

On 11 December 2009, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 31 March 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty-month period, was required.

On 23 June 2010, applicant filed a petition under 37 CFR 1.47(a) along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor EMMA HENDERSON. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without her signature.

DISCUSSION

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

Items (1) was satisfied with the payment of the petition fee. The nonsigning inventor's last known address was provided, satisfying Item (3). Item (4) was satisfied with the submission of a declaration executed by the joint inventors on their behalf and on behalf of the nonsigning

inventor.

Unavailability of Inventor

With regard to Item (2), applicant alleges that Ms. Henderson cannot be reached or found. MPEP 409.03(d), item I. states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner provided the first hand statement of fact of Rebecca Spence, IP administrator at Greaves Brewster LLP, the British law firm representing the assignee. Ms. Spence detailed the diligent efforts she undertook in her three unsuccessful attempts to locate the non-signing inventor via postal service at two different addresses. On two occasions, Ms. Spence attempted to have a letter along with a declaration delivered to the nonsigning inventor's last known address.[1] Thereafter, she contacted the assignee for a current address for Ms. Henderson and subsequently, mailed a declaration to that address. All the correspondence was returned as 'undeliverable". Ms. Spence provided copies of these letters along with the postal receipts. Ms. Spence states that she made "further efforts searching publicly available online sources to identify a new address for Emma Henderson" without success.

However, it is not clear how the internet search was conducted. The documentary evidence including the internet search using a people locator service in an attempt to locate Ms. Henderson was not provided and is required. Moreover, Ms. Spence did not indicate that she contacted the Royal Mail service to inquire whether a forwarding address for Ms. Henderson was available and the results of that inquiry or contact with the joint inventors for a current address, email or phone number for the nonsigning inventor.

The action taken by petitioner is insufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it cannot be concluded that the nonsigning inventor is unavailable to sign the application. Petitioner has not satisfied Item (2) by demonstrating in the first hand statement the " diligent efforts" that were made to locate the nonsigning inventor using the Internet people locator service, contact with the joint inventors for a current address, email or phone number or followup with the Royal Postal Service for a forwarding address for Ms. Henderson.

In sum, Petitioner has satisfied Items (1), (3) and (4). As set forth above, Petitioner has not yet satisfied Item (2). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

---

[1]It is noted that the correspondence did not include a complete copy of the application papers including the specification, claims and drawings along with a declaration directed to the above referenced application.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 1000
KANSAS CITY MO 64112-1802

MAILED

MAR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of LEE et al.
Application No.: 12/664,183
PCT No.: PCT/GB08/02036
Int. Filing Date: 16 June 2008
Priority Date: 16 June 2007
Attorney Docket No.: 051875-406110
For: FREEZE-DRIED COMPOSITIONS FOR CARRYING OUT PCR AND OTHER BIO-CHEMICAL REACTIONS

: DECISION ON PETITION
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 23 November 2010, to accept the application without the signature of joint inventor EMMA HENDERSON. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 16 June 2008, applicant filed international application PCT/GB08/02036, which claimed a priority date of 16 June 2007. The thirty month period for paying the basic national fee in the United States expired at midnight on 16 December 2009.

On 11 December 2009, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 31 March 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty-month period, was required.

On 23 June 2010, applicant filed a petition under 37 CFR 1.47(a) along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor EMMA HENDERSON. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without her signature. The petition was dismissed in a decision mailed on 24 August 2010, which indicated that applicant had not provided sufficient evidence to conclude that the non-signing inventor was unavailable to sign the application papers.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her

own behalf and on behalf of the non-signing joint inventor(s).

Items (1), (2) and (4) were previously satisfied.

Unavailability of Inventor

With regard to Item (2), applicant alleges that Ms. Henderson cannot be reached or found. MPEP 409.03(d), item I. states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner provided the 18 November 2010 first hand statement of fact of Rebecca Spence, IP administrator at Greaves Brewster LLP, the British law firm representing the assignee. Ms. Spence detailed the many efforts she undertook in her three unsuccessful attempts to locate the non-signing inventor via postal service at two different addresses. On two occasions, Ms. Spence attempted to have a letter along with a declaration delivered to the nonsigning inventor's last known address. Ms. Spence also contacted the assignee for a current address for Ms. Henderson and subsequently, mailed a declaration to that address with the correct postal zip code. All the correspondence was returned as 'undeliverable". Ms. Spence provided copies of these letters along with the postal receipts. Ms. Spence's further efforts searching publicly available online sources to identify a new address for Emma Henderson was unsuccessful. The documentary evidence including the internet search using a people locator service in an attempt to locate Ms. Henderson was provided. Moreover, Ms. Spence indicates that she contacted the Royal Mail service to inquire whether a forwarding address for Ms. Henderson was available and the results of that inquiry and contact with the joint inventors for a current address, email or phone number for the nonsigning inventor was not fruitful.

The action taken by petitioner is sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it can now be concluded that the nonsigning inventor is unavailable to sign the application. Petitioner has satisfied Item (2) by demonstrating in the first hand statement the " diligent efforts" that were made to locate the nonsigning inventor.

In sum, Petitioner has satisfied Items (1)-(4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 23 June 2010. The application has an international filing date of 16 June 2008 under 35 U.S.C. 363, and a date of 23 June 2010 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded

to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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EMMA HENDERSON
8 DUMMER WAY
CHIPPENHAM
SN15 3UX
WILTSHIRE
UNITED KINGDOM

MAILED

MAR 1 1 2011

PCT LEGAL ADMINISTRATION

In re Application of LEE et al.
Application No.: 12/664,183
PCT No.: PCT/GB08/02036
Int. Filing Date: 16 June 2008
Priority Date: 16 June 2007
Attorney Docket No.: 051875-406110
For: FREEZE-DRIED COMPOSITIONS FOR CARRYING OUT PCR AND OTHER BIO-CHEMICAL REACTIONS

Dear Ms. Henderson:

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

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Thomas Absalom :
Application No. 12/664,198 :
Filed: May 28, 2010 :
Attorney Docket No. **38551-01010** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

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

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

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

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL BEST & FRIEDRICH LLP
100 E. WISCONSIN AVENUE, SUITE 3300
MILWAUKEE, WI 53202

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Mark Hallbauer et al :
Application No. 12/664,238 : DECISION ON PETITION
Filed: May 14, 2010 : TO WITHDRAW
Attorney Docket No.: 016466-9016-00 : 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 2, 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 is filed by Thomas J. Otterlee on behalf of all the practitioners of record.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time since the correspondence address provided does not identify the intervening assignee of the entire interest or the first named inventor.

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Net-Link AG
Kathe-Kollwitz-Ufer 76
Dresden D-01309 Germany

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MICHAEL BEST & FRIEDRICH LLP
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MILWAUKEE, WI 53202

MAILED

MAR 03 2011

OFFICE OF PETITIONS

In re Application of :
Mark Hallbauer et al :
Application No. 12/664,238 : DECISION ON PETITION
Filed: May 14, 2010 : TO WITHDRAW
Attorney Docket No. 016466-9016-00 : 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 7, 2011.

The request is **APPROVED**.

The request was signed by Thomas J. Otterlee on behalf of the practitioners of record associated with Customer Number 23409.

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

All future correspondence will be directed to inventor Mark Hallbauer 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: Mark Hallbauer
Kathe-Kollwitz-Ufer 76
Dresden D-01309
Germany

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/664,238	05/14/2010	Mark Hallbauer	016466-9016-00

CONFIRMATION NO. 1896

23409
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

POWER OF ATTORNEY NOTICE

OC000000046245120

Date Mailed: 03/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/07/2011.

- 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.

/btlin/

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
12/664,238	05/14/2010	Mark Hallbauer	016466-9016-00

CONFIRMATION NO. 1896

Mark Hallbauer
Kathe - Kollwitz - Ufer 76
Dresden, D-01309
GERMANY

POA ACCEPTANCE LETTER

OC000000046245207

Date Mailed: 03/03/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/07/2011.

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.

/btlin/

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

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JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Mark Hallbauer et al.	:	
Application No. 12/664,239	:	DECISION ON PETITION
Filed: May 14, 2010	:	TO WITHDRAW
Attorney Docket No.: 016466-9017-00	:	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 5, 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 is filed by Thomas J. Otterlee on behalf of the practitioners of record associated with Customer Number 23409.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since a correspondence address provided is not the intervening assignee of the entire interest or the first named inventor.

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Irvin Dingle
Petitions Examiner
Office of Petitions

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MILWAUKEE, WI 53202

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MAR 03 2011

OFFICE OF PETITIONS

In re Application of :
Mark Hallbauer et al :
Application No. 12/664,239 : DECISION ON PETITION
Filed: May 14, 2010 : TO WITHDRAW
Attorney Docket No. 016466-9017-00 : 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 7, 2011.

The request is **APPROVED**.

The request was signed by Thomas J. Otterlee on behalf of the practitioners of record associated with Customer Number 23409.

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

All future correspondence will be directed to inventor Mark Hallbauer 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: Mark Hallbauer
Kathe-Kollwitz-Ufer 76
Dresden D-01309
Germany

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
12/664,239	05/14/2010	Mark Hallbauer	016466-9017-00

CONFIRMATION NO. 1903

23409
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

POWER OF ATTORNEY NOTICE

Date Mailed: 03/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/07/2011.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/664,239	05/14/2010	Mark Hallbauer	016466-9017-00

CONFIRMATION NO. 1903

Mark Hallbauer
Kathe - Kollwitz - Ufer 76
Dresden, D-01309
GERMANY

POA ACCEPTANCE LETTER

Date Mailed: 03/03/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/07/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON, DC 20037

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NOV 04 2011

OFFICE OF PETITIONS

In re Application of Roy Knechtel :
Application No. 12/664,272 :
Int'l Filing Date: June 16, 2008 :
Attorney Docket No. 60291.000085 :
Pub. No.: US 2010/0311248 A1 :
Pub. Date: December 9, 2010 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 1, 2011.

The request is **dismissed**.

Applicant requests the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistake identified in the instant request is not a material mistake as required under 37 C.F.R. § 1.1221(b). Specifically, the mistake does not affect the public's ability to appreciate the

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicant is advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and include the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

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

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

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

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

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/664,279	12/11/2009	Yutaka Hotta	Q115851	1146

23373 7590 03/30/2011

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

EXAMINER	
MULLINS, BURTON S	
ART UNIT	**PAPER NUMBER**
2834	

NOTIFICATION DATE	DELIVERY MODE
03/30/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
HOTTA et al.
Application No.: 12/664,279
Filed: 11 December 2009
Attorney Docket No.: Q115851
For: DRIVING APPARATUS AND VEHICLE INCLUDING DRIVING 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 25 February 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

b. Submit a claims correspondence table in English;

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

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

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

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

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

Regarding the requirement of condition (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example only, JP claim 5 requires the supply pipe to extend "toward" a front side of the vehicle while US claim 1 requires the supply pipe to extend "to" a front side of the vehicle. These limitations do 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
TQAS Technology Center 2800

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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.
12/664,279	12/11/2009	Yutaka Hotta	Q115851	1146

23373 7590 05/11/2011

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WASHINGTON, DC 20037

EXAMINER	
MULLINS, BURTON S	

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2834	

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

In re Application of
HOTTA et al.
Application No.: 12/664,279
Filed: 11 December 2009
Attorney Docket No.: Q115851
For: DRIVING APPARATUS AND VEHICLE INCLUDING DRIVING 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 25 February 2011 and renewed 27 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

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

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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

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SCHWEGMAN, LUNDBERG & WOESSNER, PA
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Wolf-Friedrich Baehre, et al.
Application No. 12/664,297
Filed: December 11, 2009
Attorney Docket No. 2579.135US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed November 29, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number 21186. Practitioners must withdraw using the same customer number by which they were appointed.

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: SYNERGY BIOSURGICAL AG
C/O CIBFUDAS TREUHAND AG
GUBELSTRASSE 5
ZUG 6301 SWITZERLAND

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APR 05 2011

PCT LEGAL ADMINISTRATION

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of :
GANDELLINI, Alberto, et al. :
Application No.: 12/664,300 :
PCT No.: PCT/IB2007/055197 :
Int. Filing Date: 18 December 2007 : DECISION
Priority Date: 27 December 2006 :
Attorney's Docket No.: BUG4-46249 :
For: ANCHORING EQUIPMENT, IN PARTICULAR FOR ROOF :

This decision responds applicants' response to the Notification of Defective Response, filed in the United States Patent and Trademark Office on 03 May 2010.

BACKGROUND

On 05 March 2010, applicants filed a declaration of inventorship listing only one inventor that was illegible as a stamp had been placed over the execution.

On 17 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required and that the current declaration was unacceptable as it had been altered.

On 29 March 2010, applicants submitted a declaration listing only inventor Gandellini, while the international application lists inventors Gandellini and Miglio.

On 05 April 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required and that the declaration listed only one inventor, but the international application listed two.

DISCUSSION

Under 37 CFR 1.41(a)(4), the inventorship of the international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. An oath or declaration reflecting that international stage inventorship is required.

Should applicants need to change the inventorship in the national stage application on account of a preliminary amendment, that can be done with a petition under 37 CFR 1.48(b),

AFTER the application satisfies the requirements for entry into the national stage, including a declaration in compliance with 37 CFR 1.497(a)-(b).

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a) - (b).

CONCLUSION

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 12 2011

PCT LEGAL ADMINISTRATION

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of :
GANDELLINI, Alberto, et al. :
Application No.: 12/664,300 :
PCT No.: PCT/IB2007/055197 :
Int. Filing Date: 18 December 2007 : DECISION
Priority Date: 27 December 2006 :
Attorney's Docket No.: BUG4-46249 :
For: ANCHORING EQUIPMENT, IN PARTICULAR FOR ROOF :

This decision responds applicants' petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office on 30 June 2011.

BACKGROUND

On 05 April 2011, the Office mailed Decision indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 June 2011, applicants submitted a petition under 37 CFR 1.47(a), accompanied by the fee for a one month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The petition fee has been paid. Applicants state that they presented the inventor with a complete copy of the application papers and the declaration, and that the inventor has not returned an executed declaration after the passage of sufficient time. Applicant states the last known address of the non-signing inventor, Simone Miglio as Via Monte Grappa 2; 25128 Brescia (BS), Italy. The declaration is executed by the signing inventor on behalf on the non-signing inventor.

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **30 June 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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MAILED

SEP 12 2011

PCT LEGAL ADMINISTRATION

Simone Miglio
Via Monte Grappa 2
25128 Brescia (BS)
Italy

In re Application of
GANDELLINI, Alberto, et al.
Application No.: 12/664,300
PCT No.: PCT/IB2007/055197
Int. Filing Date: 18 December 2007
Priority Date: 27 December 2006
Attorney's Docket No.: BUG4-46249
For: ANCHORING EQUIPMENT, IN PARTICULAR FOR ROOF

Dear Mr. Miglio:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

MAILED

SEP 22 2011

OFFICE OF PETITIONS

Applicant: Valerian Voinov, et al.
Appl. No.: 12/664,334
International Filing Date: February 21, 2008
Title: IMPLANTABLE PROSTHETIC VALVE STENT
Attorney Docket: 034879-000001
Pub. No.: 2010/0145435 A1
Pub. Date: June 10, 2010

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on February 11, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein Figure 1, was improperly displayed instead of Figure 6 as chosen by Applicant.

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

The request for corrected publication received on February 11, 2011, was not timely filed under 37 CFR 1.221(b).

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

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

§ 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/664,370	01/27/2010	Hidemitsu Nakagawa	Q116398	1644

23373 7590 09/22/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
09/22/2010	ELECTRONIC

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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Commissioner for Patents
United States Patent and Trademark Office
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September 21, 2010 CST

In re application of	:	DECISION ON REQUEST TO
Hidemitsu Nakagawa	:	PARTICIPATE IN PATENT
Serial No. 12/664,370	:	PROSECUTION HIGHWAY
Filed: January 27, 2010	:	PROGRAM AND
For: PNEUMATIC TIRE FOR	:	PETITION TO MAKE SPECIAL
A MOTORCYCLE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed July 21, 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).

Claim 4 of the JPO application contains the limitation "and in a half of a cross-sectional view taken along a tire meridian" which has been omitted from claim 6 of the present application. Additionally, claim 1 of the present application contains the phrase "a periphery length of an outer surface of an outer surface of the intermediate tread rubber", whereas corresponding claim 1 of the JPO application does not repeat the term "outer surface".

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.
12/664,370	01/27/2010	Hidemitsu Nakagawa	Q116398	1644

23373 7590 10/22/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
10/22/2010	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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

OCT 22 2010

CST

In re application of	:	DECISION ON REQUEST TO
Hidemitsu Nakagawa	:	PARTICIPATE IN PATENT
Serial No. 12/664,370	:	PROSECUTION HIGHWAY
Filed: January 27, 2010	:	PROGRAM AND
For: PNEUMATIC TIRE FOR	:	PETITION TO MAKE SPECIAL
A MOTORCYCLE	:	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 15, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

(6) Applicant must submit:

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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WASHINGTON DC 20005

MAILED

OCT 29 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
IM et al	:	
Application No.: 12/664,371	:	
PCT No.: PCT/KR2008/003284	:	
Int. Filing Date: 12 June 2008	:	PETITION UNDER
Priority Date: 14 June 2007	:	
Attorney's Docket No.: 5097-0142PUS1	:	
For: MIDDLE OR LARGE-SIZED BATTERY	:	
COOLANT FLUX	:	37 CFR 1.47(a)

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.47(a)" submitted on 13 August 2010 that seeks the acceptance of the application without the signature of joint inventors Jaesung AHN, Dooseong CHOI, Heekook YANG and Sang Phil HAN. The Petition fee of $200.00 has charged to Deposit Account No.: 02-2448.

BACKGROUND

On 12 June 2008, applicants filed international application PCT/KR2008/003284, which claimed priority of an earlier application filed 14 June 2007.

On 11 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 13 April 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating, *inter alia*, that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date." The notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), applicants, inter alia, filed on 13 August 2010, a petition under 37 CFR 1.47(a) in support of filing an executed the declaration on behalf of nonsigning joint inventors Jaesung AHN, Dooseong CHOI, Heekook YANG and Sang Phil HAN accompanied, inter alia, a declaration of Mr. Su-Jin KIM and executed declaration without the signatures of Jaesung AHN, Dooseong CHOI, Heekook YANG and Sang Phil HAN.

DISCUSSION

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

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

INVENTOR CANNOT BE REACHED:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under **37 CFR 1.47**, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under **37 CFR 1.47**.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under **37 CFR 1.47**. **37 CFR 1.43** may be available under these circumstances. See **MPEP § 409.02**. Such a petition under **37 CFR 1.47** will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain

> proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

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

Regarding requirement (1), the petition fee of $200.00 under 37 CFR 1.17(g) has been charged to Deposit Account No.: 02-2448.

Regarding requirement (2), the averments of Mr. Kim are insufficient to support a finding that the nonsigning joint inventors could not be found or located after diligent effort. Mr. Kim indicates that for each of the corresponding nonsigning joint inventors the application was not

delivered and no forwarding addresses were available. Further, calls to them were unsuccessful. Mr. Kim then states that an attempt to find their new addresses or phone number was unsuccessful because none could be found in available directories. However, this statement is vague as it unclear what steps and directories he searched.

Consequently, Mr. Kim's declaration fails to show diligent effort to locate inventor the nonsigning joint inventors because no proof to corroborate his actions that they could not be reached or located after diligent effort has been provided. For example, he has not shown that he has searched for the above non-signing joint inventors' new addresses by using a broad search in the internet or by using a phone director and contacting the human resource office or former co-workers in case they left forwarding addresses. In addition, no search results have provided and if Mr. Kim tried to contact persons that matched his results to determine if they were the nonsigning joint inventors.

Accordingly, at this time it can not be concluded that the nonsigning joint inventors could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

With respect to nonsigning joint inventor, Sang, Phil Han, in this case, Mr. Kim, has not sufficiently demonstrated that a copy of the application papers were presented to the non-signing joint inventor, HAN. This is because Mr. Kim's declaration has no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to HAN for his review and his signature rather Mr. Kim only states that he forward by register mail a copy of the Declaration and Assignment forms to HAN. As a result, the papers forwarded to him do not appear to include a copy of the complete application papers since only the declaration and assignment were mentioned.

The current record does not sufficiently establish HAN's refusal to join in the patent application because no evidentiary documents have been submitted to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Regarding requirement 3, petitioner has provided a statement of the last known addresses of the nonsigning joint inventors.

Regarding requirement 4, the petitioner has submitted a properly executed declaration without the signatures of Jaesung AHN, Dooseong CHOI, Heekook YANG and Sang Phil HAN

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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WASHINGTON DC 20005

MAILED

MAR 16 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
IM et al	:	
Application No.: 12/664,371	:	
PCT No.: PCT/KR2008/003284	:	
Int. Filing Date: 12 June 2008	:	PETITION UNDER
Priority Date: 14 June 2007	:	
Attorney's Docket No.: 5097-0142PUS1	:	
For: MIDDLE OR LARGE-SIZED BATTERY	:	
COOLANT FLUX	:	37 CFR 1.47(a)

This is in response to the "RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)" filed on 28 December 2010.

BACKGROUND

In a decision from this Office on 29 October 2010, the petition filed under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) under 37 CFR 1.47(a) was not met.

On 28 December 2010, petitioner submitted a renewed petition requesting to accept the application without the signatures of Jaesung AHN, Dooseong CHOI, Heekook YANG, and Sang Phil HAN.

37 CFR 1.47(a):

DISCUSSION

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

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

INVENTOR CANNOT BE REACHED:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under **37 CFR 1.47**, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under **37 CFR 1.47**.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under **37 CFR 1.47**. **37 CFR 1.43** may be available under these circumstances. See **MPEP § 409.02**. Such a petition under **37 CFR 1.47** will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner has still not satisfied items (2) of 37 CFR 1.47(a).

Regarding item (2), Su-Jin KIM states in the renewed petition with respect to the joint inventor Han that a copy of the application papers were mailed to him on May 20, 2010 and on May 24, 2010 the application papers were return as undeliverable as Mr. Han put a note of "refusal" on the envelope of the application papers. Mr. Kim has provided the registered mail receipt with a copy of an English translation showing Mr. Han's refusal.

However, with respect to joint inventors Jaesung AHN, Dooseong CHOI, and Heekook YANG, Mr. Kim has stated that he mailed a copy of the application papers to their respective addresses but the packages were returned as undeliverable and no forwarding addresses were available. Mr. Kim then took the steps to try to reach then by contacting co-workers and conducting searches using publicly available internet databases but was unable to reach them after diligent effort. Mr. Kim has provided the documentary evidence to support his actions.

With respect to co-workers, Mr. Kim has made a general statement without being specific to the names, occupation and times he contacted the co-workers of the missing joint inventors.

Also, although documentary evidence to support his assertions has been provided such as the internet searches but documents are in Korean, and no English translations have been provided. Consequently, it is unclear what is said in these documents. A translation into English is required.

Consequently, petitioner has still not satisfied all the items under 37 CFR 1.47(a).

DECISION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
IM et al	:	
Application No.: 12/664,371	:	
PCT No.: PCT/KR2008/003284	:	
Int. Filing Date: 12 June 2008	:	PETITION UNDER
Priority Date: 14 June 2007	:	
Attorney's Docket No.: 5097-0142PUS1	:	
For: MIDDLE OR LARGE-SIZED BATTERY	:	
COOLANT FLUX	:	37 CFR 1.47(a)

This is in response to the "REQUEST FOR RECONSIDERATION OF SECOND DECISION ON PETITION UNDER 37 CFR 1.47(a)" filed on 10 May 2011.

BACKGROUND

In a decision from this Office on 16 March 2011, the petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 10 May 2011, petitioner submitted a "Request For Reconsideration.. Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 16 March 2011 with respect to accepting the above application without the signatures of joint inventors Jaesung AHN, Dooseong CHOI, Heekook YANG and Sang Phil HAN.

DISCUSSION

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

The renewed petition of 10 May 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), a reviewed of Mr. McRobbie's comments show that Ms. Kim, who has first-hand knowledge of the facts of the previous petition, has declared that the internet searches were made and the documentary evidence were submitted. Since Ms. Kim has made the necessary declaration, then there is no need to provide a full English translation of the documentary evidence.

Consequently, at this time it can be concluded that joint inventors Jaesung AHN, Dooseong CHOI, Heebook YANG, and Sang Phil HAN have refused to sign the required documents.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the items under 37 CFR 1.47(a).

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **13 August 2010.**

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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Heekook Yang
373-4, Guseong-dong, Yuseong-gu
Daejeon 305-338
Korea

MAILED

JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM et al
Application No.: 12/664,371
PCT No.: PCT/KR2008/003284
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney's Docket No.: 5097-0142PUS1
For: MIDDLE OR LARGE-SIZED BATTERY COOLANT FLUX

Dear: Mr. Yang,

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

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

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Sang Phil Han
304-601, Expo Apt..,
Jeonmin-dong, Yuseong-gu
Daejeon 305-761
Korea

MAILED

JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM et al
Application No.: 12/664,371
PCT No.: PCT/KR2008/003284
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney's Docket No.: 5097-0142PUS1
For: MIDDLE OR LARGE-SIZED BATTERY COOLANT FLUX

Dear: Mr. Han,

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

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

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Daejeon 305-509
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MAILED
JUL 12 2011
PCT LEGAL ADMINISTRATION

In re Application of
IM et al
Application No.: 12/664,371
PCT No.: PCT/KR2008/003284
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney's Docket No.: 5097-0142PUS1
For: MIDDLE OR LARGE-SIZED BATTERY COOLANT FLUX

Dear: Mr. Ahn,

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

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

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

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

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Dooseong Choi
4-1004, Hangaram Apt.,
Tanbang-dong, Seo-gu
Daejeon 302-762
Korea

MAILED

JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of
IM et al
Application No.: 12/664,371
PCT No.: PCT/KR2008/003284
Int. Filing Date: 12 June 2008
Priority Date: 14 June 2007
Attorney's Docket No.: 5097-0142PUS1
For: MIDDLE OR LARGE-SIZED BATTERY COOLANT FLUX

Dear: Mr. Choi,

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

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

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Facsimile: (571) 273-0459

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- 8 SEP 2010

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Alexandria, VA 22313-1450
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Abbott GmbH
c/o Polsinelli Shughart PC
161 N. Clark Street
Suite 4200
Chicago IL 60601

In re Application of:	
TURNER, Sean, Colm, et al.	DECISION REGARDING
U.S. Application No.: 12/664,394	SUBMISSION UNDER
PCT No.: PCT/EP2008/060335	37 CFR 1.42
International Filing Date: 06 August 2008	
Priority Date: 07 August 2007	
Attorney Docket No.: 8971USO1	
For: QUINOLINE COMPOUNDS SUITABLE FOR TREATING DISORDERS THAT RESPOND TO MODULATION OF THE SERATONIN 5-HT6 RECEPTOR	

This decision is issued in response to applicants' submission on 23 March 2010 of a declaration executed on behalf of deceased inventor Wolfgang WERNET by the deceased inventor's legal representative, Andrea Hager-Wernet, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 06 August 2008, applicants filed international application PCT/EP2008/060335. The international application claimed a priority date of 07 August 2007, and it designated the United States. On 12 February 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 February 2010.

On 13 December 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 02 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 23 March 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the surviving inventors and on behalf of deceased inventor Wolfgang WERNET by the deceased inventor's legal representative, Andrea Hager-Wernet.

On 11 May 2010, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) stating that the declaration filed 23 March 2010 was defective because the signature of "Inventor Wolgang" was missing.

On 28 July 2010, applicants filed a response to the Notification Of Defective Response (with three-month extension fee). The response stated that the declaration filed 23 March 2010 was executed on behalf of Wolfgang WERNET, now deceased, by his legal representative and was therefore acceptable as filed pursuant to 37 CFR 1.42. The response included a copy of the declaration previously filed on 23 March 2010.

On 13 August 2010, the DO/EO/US issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied as of 28 July 2010. Also on 13 August 2010, a filing receipt was issued identifying the 35 U.S.C. 371(c) date as 28 July 2010.

DISCUSSION

1. "Notification Of Defective Response" Mailed 11 May 2010

As set forth above, the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 11 May 2010 indicated that the declaration filed 23 March 2010 was defective because the signature of "Inventor Wolgang" was missing. This appears to be a reference to the fact that deceased inventor Wolfgang WERNET had not signed the declaration. However, a review of the declaration filed 23 March 2010 confirms that the declaration included a "DECLARATION Supplemental Sheet For Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor" (Form PTO/SB/02LR) executed on behalf of deceased inventor Wolfgang WERNET by his legal representative, Andrea Hager-Wernet.

In view of the above, the declaration filed 23 March 2010 was executed on behalf of inventor Wolfgang WERNET. The "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 11 May 2010, which indicated that the declaration was defective based on the lack of this inventor's signature, was issued in error and is appropriately vacated.[1]

The declaration filed by applicants on 23 July 2010 (and resubmitted in response to the Notification Of Defective Response on 28 July 2010) is considered below under 37 CFR 1.42 and 1.497.

[1] Because this Notification was issued in error, the three-month extension fee filed by applicants when responding to such Notification is unnecessary. This extension fee will be refunded to Deposit Account No. 50-1662.

2. Declaration On Behalf Of Deceased Inventor Wolfgang WERNET (37 CFR 1.42)

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 23 March 2010, and the supplemental sheet attached thereto, includes the required citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, Wolfgang WERNET, and it identifies this person as the "legal representative" of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497. The declaration may therefore be accepted on behalf of the deceased inventor under 37 CFR 1.42 and 1.497.

3. "Notification Of Acceptance" And Filing Receipt Mailed 13 August 2010

As noted above, the "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 13 August 2010 identified the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 28 July 2010, the date on which applicants filed their response to Notification Of Defective Response (which included a copy of the previously filed declaration). However, applicants original filing of the executed declaration on 23 March 2010 completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). The correct 35 U.S.C. 371(c) date for the present application is therefore 23 March 2010.

In view of the above, the "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 13 August 2010, both of which incorrectly identify the 35 U.S.C. 371(c) date as 28 July 2010, are appropriately vacated. A corrected Notification Of Acceptance and filing receipt will be issued in due course.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Wolfgang WERNET is **GRANTED**.

The declaration filed on 23 March 2010 is accepted under 37 CFR 1.42 and 1.497.

For the reasons discussed above, the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 11 May 2010 and the "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 13 August 2010 are hereby **VACATED**.

Deposit Account No. 50-1662 will be credited with a refund of the unnecessary extension fee filed by applicants in responding to the now vacated Notification Of Defective Response.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 23 March 2010.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 23, 2012

In re Application of :

Hiroyuki Hokuto

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12664406

Filed : 14-Dec-2009

Attorney Docket No : 350366US26PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 23, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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 3748 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	12664406
Filing Date	14-Dec-2009
First Named Inventor	Hiroyuki Hokuto
Art Unit	3748
Examiner Name	BINH TRAN
Attorney Docket Number	350366US26PCT
Title	CONTROL DEVICE AND CONTROL METHOD FOR INTERNAL COMBUSTION ENGINE

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	/W Todd Baker/
Name	W. Todd Baker
Registration Number	45265

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/664,418	Filing date:	December 14, 2009
First Named Inventor:	Hanns Wochner et al.		
Title of the Invention:	Method and Device For Packaging Polycrystalline Bulk Silicon		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2008/056989

The international filing date of the corresponding PCT application(s) is/are: June 5, 2008

I. List of Required Documents:

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

☒ Is attached

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

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

☐ Is attached.

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

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

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

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.:	12/664,418
First Named Inventor:	Hanns Wochner et al.

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on February 12, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on February 12, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	2	Rewritten in U.S. format and amended to be independent
14	2, 3	Rewritten in U.S. format and to eliminate multiple dependencies
15	2, 4	Rewritten in U.S. format and to eliminate multiple dependencies
16	5	Rewritten in U.S. format and to eliminate multiple dependencies
17	6	Rewritten in U.S. format and to eliminate multiple dependencies
18	2, 7	Rewritten in U.S. format and to eliminate multiple dependencies
19	2, 8	Rewritten in U.S. format and to eliminate multiple dependencies
20	2, 9	Rewritten in U.S. format and to eliminate multiple dependencies
21	10	Rewritten in U.S. format and to eliminate multiple dependencies
22	11	Rewritten in U.S. format

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/664,418	12/14/2009	Hanns Wochner	WAS1045PUSA	2168

22045 7590 04/18/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
3721	

MAIL DATE	DELIVERY MODE
04/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:
WOCHNER, HANNS et al	: DECISION ON REQUEST TO
Application No. 12/664,418	: PARTICIPATE IN PATENT
Filed: Dec. 14, 2009	: PROSECUTION HIGHWAY
Attorney Docket No WAS1045PUSA	: PILOT PROGRAM AND PETITION
For: METHOD AND DEVICE FOR PACKAGING POLYCRYSTALLINE BULK SILICON	: TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

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

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must 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 Rinaldi Rada, the SPE of Art Unit 3721 and (571)272-4467 for Class 53/434 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

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

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

The petition is **granted.**

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 18 2011

PCT LEGAL ADMINISTRATION

MILLER, MATTHIAS & HULL LLP
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

In re Application of
HERNES et al.
Application No.: 12/664,453
PCT No.: PCT/IB08/03947
Int'l Filing Date: 10 December 2008
Priority Date: 13 December 2007
Attorney Docket No.: HMP-01901
For: ANALOG-TO-DIGITAL CONVERTER TIMING CIRCUITS

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 07 June 2011 to correct the international application number.

On 14 December 2009, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/664,453. However, the international application **PCT/US08/86132** was indicated on the transmittal letter; however, this international application was forwarded to the International Bureau under PCT Rule 19.4. Thus, the correct international application number is PCT/IB08/03947.

On 07 June 2011, applicant filed the instant petition under 37 CFR 1.182.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/IB08/03947 on the national stage papers filed on 07 June 2011 is **GRANTED**. The $400 petition fee was charged to applicant's deposit account per his authorization.

A review of the finance records reveals that the basic national stage fee was paid on 14 December 2009.

The petition under 37 CFR 1.182 is **GRANTED**. The USPTO records will identify the present application **12/664,453** as the national stage of **PCT/IB08/03947.**

The application will be forwarded to the United States Designated/Elected Office for further processing.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286

1 = SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
RUNYON, Scott, P., et al.	:	
Application No.: 12/664,470	:	DECISION ON
PCT No.: PCT/US2008/067059	:	
Int. Filing Date: 16 June 2008	:	REQUEST
Priority Date: 15 June 2007	:	
Attorney Docket No.: 349908US23X PCT	:	UNDER 37 CFR 1.42
For: ANDROSTANE AND PREGNANE ...	:	
MODULATING PROPERTIES	:	

This is a decision on applicant's submission of a declaration on 05 May 2010, containing an indication that an inventor is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 26 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 May 2010, applicants filed a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 05 May 2010 declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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AUG 26 2011

OFFICE OF PETITIONS

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Patent No. 7,994,122
Issued: August 9, 2011
Application No.: 12/664,534
Filed: April 19, 2010
Attorney Docket No: **50412/056002**

: NOTICE

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/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
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Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

MAILED
APR 09 2012
PCT LEGAL ADMINISTRATION

In re Application of :
GROSS et al. :
Application No.: 12/664,559 :
PCT No.: PCT/US2008/007410 : DECISION
Int. Filing Date: 13 June 2008 :
Priority Date: 15 June 2007 :
Attorney's Docket No.: H0824.70071US01 :
For: METHODS AND COMPOSITIONS :
FOR DETECTING AND MODULATING :
O-GLYCOSYLATION :

This decision is in response to applicants' petition under 37 CFR 1.182 filed 16 March 2012.

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903) mailed 09 August 2010 was mailed before applicants' petition under 37 CFR 1.182 had been filed. Because applicants' petition has been granted, as set forth below, the application has met the requirements of 35 U.S.C. 371, and the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates accorded in Form DO/EO/903 are correct. Accordingly, Form DO/EO/903 is hereby affirmed.

BACKGROUND

On 13 June 2008, applicants filed international application PCT/US2008/007410 which designated the U.S. and claimed a priority date of 15 June 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 December 2009.

On 14 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 29 March 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form

PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 July 2010, applicant filed a response to the NOTIFICATION OF MISSING REQUIREMENTS which included, *inter alia*, a declaration of inventors.

On 09 August 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 21 July 2010.

On 16 March 2012, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

There is a difference in names in the second-named inventor between the published international application (Suzanne WALKER) and the declaration of inventors filed 21 July 2010 (Suzanne WALKER KAHNE).

Because this difference in names is more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as an explanation of the difference in names.

The petition fee has been paid. The statement by Suzanne WALKER KAHNE filed 16 March 2012 explains that her name was listed incorrectly on the international application and in the Application Data Sheet filed with the national stage application papers on 14 December 2009 and that her correct name is Suzanne WALKER KAHNE. The inventor's name has been changed in USPTO records.

Declaration of Inventors

The declaration of inventors filed 21 July 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HKH LAW, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER, CO 80264

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of
Richard Morgal et al
Application No. 12/664,614
Filed: April 12, 2010
Attorney Docket No. 506-002-USP

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **APPROVED**.

The request was signed by Gregory W. O'Connor.

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

All future correspondence will be directed to inventor Richard Morgal 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: Richard A. Morgal
13915 Mussey Grade Road
Ramona, CA 92065

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
12/664,614	04/12/2010	Richard Morgal	506-002-USP

CONFIRMATION NO. 3342

Richard A. Morgal
13915 Mussey Grade Road
Ramona, CA 92065

POA ACCEPTANCE LETTER

OC000000050147178

Date Mailed: 10/03/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/27/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/664,614	04/12/2010	Richard Morgal	506-002-USP

CONFIRMATION NO. 3342

45346
HKH Law, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER, CO 80264

POWER OF ATTORNEY NOTICE

OC000000050147119

Date Mailed: 10/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/27/2011.

- 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.

/idingle/

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

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Casimir Jones, S.C.
2275 Deming Way, Suite 310
Madison WI 53562

MAILED

OCT 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SAMPATH, et al. :
U.S. Application No.: 12/664,619 :
PCT No.: PCT/US2008/066741 :
Int. Filing Date: 12 June 2008 : DECISION
Priority Date: 14 June 2007 :
Attorney Docket No.: ISIS-14683/US-1/PCT :
For: COMPOSITIONS FOR USE IN IDENTIFICATION OF :
ADVENTITIOUS CONTAMINANT VIRUSES :

This decision is in response to applicant's refund request filed 28 June 2010 in the United States Patent and Trademark Office (USPTO). Applicant's request is **GRANTED**.

A review of the application file finds that the charged claims fees at issue were refunded to deposit account number 50-4302 on 31 January 2011. Applicant should review the account to be sure that all of the requested fees were refunded.

This application is being returned to Group Art Unit 1637 for examination.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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AUG 05 2011

PCT LEGAL ADMINISTRATION

MONOGRAM BIOSCIENCES
345 OYSTER POINT BLVD
SOUTH SAN FRANSISCO CA 94080

In re Application of: GUPTA, Soumi, et al.
U.S. Application No.: 12/664,634
PCT No.: PCT/US2008/007474
International Filing Date: 16 June 2008
Priority Date: 14 June 2007
Attorney Docket No.: 11068-271-999
For: ELECTOPHORETIC TAB-BASED IN VITRO ASSAY TO QUANTIFY ...

CORRECTED DECISION ON PETITION UNDER 37 CFR 1.137(b)

The present decision is a corrected version of a decision originally mailed on 05 August 2011. The original decision contained a typographical error in the U.S. application number listed in the above caption, which has now been corrected.

The petition for revival under 37 CFR 1.137(b) filed 31 May 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 26 November 2010 due to the failure to submit a proper and complete response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued 26 April 2010.[1] The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) issued 31 March 2011.

The present petition for revival was accompanied by the petition fee and the "required reply" in the form of the additional materials necessary to complete the response to the Notification Of Missing Requirements, that is, additional sequence listing materials (including a computer readable form of the sequence listing). In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

[1] Applicants submitted a partial response to the Notification and payment of the fee for a five-month extension of time on 25 October 2010.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

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

17 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of :
WALKER, John Michael, et al. :
Application No.: 12/664,650 :
PCT No.: PCT/EP2007/055767 : DECISION
Int. Filing Date: 12 June 2007 :
Priority Date: None : ON PETITION UNDER
Docket No.: P23732-US1 :
For: METHOD AND APPARATUSES FOR AUTHENTICATION AND REAUTHENTICATION OF A USER WITH FIRST AND SECOND AUTHENTICATION PROCEDURES : 37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 09 June 2010.

BACKGROUND

On 09 April 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 09 June 2010, applicants filed a declaration of the inventors, accompanied by a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) and (4) have been met. The balance of the $200 petition fee will be charged to deposit account no. 50-1379, as authorized. Applicant states the last known address of Mr. John Michael Walker as Gerstkamp 87; 2592 Den Haag; Netherlands. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **09 June 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

17 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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John Michael Walker
Gerstkamp 87
2592 Den Haag
Netherlands

In re Application of
WALKER, John Michael, et al.
Application No.: 12/664,650
PCT No.: PCT/EP2007/055767
Int. Filing Date: 12 June 2007
Priority Date: None
Docket No.: P23732-US1
For: METHOD AND APPARATUSES FOR AUTHENTICATION AND REAUTHENTICATION OF A USER WITH FIRST AND SECOND AUTHENTICATION PROCEDURES

Dear Mr. Walker:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

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OCT 28 2010

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Medrad Patents & Trademarks
One Medrad Drive
Indianola PA 15051

In re Application of :
UBER et al. :
Application No.: 12/664,653 :
Filing Date: 14 December 2009 : DECISION
Attorney's Docket No.: CT/08-015.PCT.CIP :
For: APPARATUS AND METHODS FOR :
DELIVERY OF FLUID INJECTION BOLUSES TO :
PATIENTS AND HANDLING HARMFUL FLUIDS :

This application is before the PCT Legal Office for consideration of applicant's petition under 37 CFR 1.182 filed 25 August 2010 relating to application papers filed in the United States Patent and Trademark Office on 14 December 2009.

BACKGROUND

On 05 June 2009, applicant filed international application PCT/US09/46437, which claimed priority of an earlier U.S. application filed 06 June 2008.

On 14 December 2009, applicant filed application papers without a transmittal letter but with an Application Data Sheet (ADS) via EFS-Web. The ADS indicated the application was a Utility application. The specification filed on the same date indicated that: "This application is a Continuation-in-Part of PCT Application Serial No. PCT/US2009/46437, filed on June 5, 2009, the contents of which are incorporated by reference." However, the Electronic Acknowledgement Receipt indicated that the filing was a U.S. National Stage under 35 U.S.C. 371. The application was treated as a U.S. national stage filing.

On 29 June 2010, a Notification of Missing Requirements was mailed to applicant.

On 25 August 2010, applicant filed a petition under 37 CFR 1.182 requesting that the application papers be treated under 35 U.S.C. 111(a).

DISCUSSION

As explained at Section 1893.03(a) of the Manual of Patent Examining Procedure (MPEP), any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). *See* 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

> If there are any conflicting instructions as to whether the filing is under 35

U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

Applicant's 14 December 2009 filing included an indication that the application was a "Continuation-In-Part of PCT Application Serial No. PCT/US2009/46437, filed on June 5, 2009...". The Electronic Acknowledgement Receipt indicated that the filing was a U.S. National Stage under 35 U.S.C. 371. The inclusion of these conflicting indications of applicant's intent in the materials filed on 14 December 2009 constitutes "conflicting instructions" which, pursuant to the MPEP, requires that the application be treated under 35 U.S.C. 111(a). The USPTO incorrectly treated the application as a U.S. national stage application filed under 35 U.S.C. 371. Accordingly, the original papers deposited on 14 December 2009 will be treated as a filing under 35 U.S.C. 111(a).

The 29 June 2010 Notification of Missing Requirements is hereby VACATED.

Given the MPEP instructions set forth above, applicant's petition under 37 CFR 1.182 is DISMISSED AS MOOT. The application papers filed on 14 December 2009 will be treated as a filing under 35 U.S.C. 111(a). Applicant may wish to consider filing a petition under 37 CFR 1.78 to claim benefit to prior-filed applications.

CONCLUSION

In view of the above, it is proper to treat the initial filing as a filing under 35 U.S.C. 111(a). Applicant's petition under 37 CFR 1.182 is **DISMISSED AS MOOT**. The petition fee of $400 will be refunded to applicant.

The 29 June 2010 Notification of Missing Requirements is **VACATED**.

This application is being referred to the National Stage Processing Branch of the office of PCT Operations for removal of all Article 20 papers and processing of the above referenced application as a U.S. application filed under 35 U.S.C. 111(a) with a filing date of 14 December 2009.

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

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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Paper No.

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DEC 02 2011

OFFICE OF PETITIONS

Medrad Patents & Trademarks
One Medrad Drive
INDIANOLA PA 15051

In re Application of :
Bouton et al. : DECISION ON PETITION
Application No. 12/664,653 :
Filed: December 14, 2009 :
Attorney Docket No. :
CT/08-015.PCT.CIP :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT filed November 16, 2011.

The above-identified application became abandoned for failure to file a proper reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed February 17, 2011. The Notice set a two (2) month time limit for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply considered filed and no extension of time considered obtained, the application became abandoned effective April 18, 2011. A courtesy Notice of Abandonment was mailed on October 19, 2011.

In response, applicants timely filed the instant petition. Applicants submit a copy of the replacement drawings as originally electronically filed on (Monday) April 18, 2011, including the acknowledgment receipt to confirm that 24 sheets of replacement drawings were filed on that date. Further, applicants submit a copy of an image from the file wrapper reflecting in PAIR that the contents of the application include 24 pages entitled "DRW" filed April 18, 2011.

Applicants are correct. Their response is present in the application with a date of receipt of (Monday) April 18, 2011. The response includes 24 sheets, including Figures 5-10 cited in the Notice. Thus, the response appears to be proper and timely.

Accordingly, the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

The Office of Patent Application Processing has been advised of this decision. The application is, thereby, forwarded to their support staff to withdraw the holding of abandonment and for processing of the replacement drawings timely filed (Monday) April 18, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

MAILED
MAR 02 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
LEV et al	:	
Application No.: 12/664,671	:	
PCT No.: PCT/IL2008/000815	:	PETITION UNDER
Int. Filing Date: 15 June 2008	:	
Priority Date: 15 June 2007	:	37 CFR 1.137(b)
Attorney's Docket No.: P-71617-US	:	
For: OPTICAL INSPECTION SYSTEM USING MULTI-FACET IMAGING	:	

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 28 December 2010.

BACKGROUND

On 15 June 2008, this international application was filed, claiming an earliest priority date of 15 June 2007. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 15 December 2009.

On 15 December 2009, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

On 05 April 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that "the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date... with either 37 CFR 1.66 or 37 CFR 1.68," and must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 16 November 2010, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 4/05/2010 within the time period set therein.

On 28 December 2010, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has not provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3).

In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy all the items under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of LAMPE et al :
U.S. Application No.: 12/664,748 :
PCT Application No.: PCT/EP2008/004407 :
Int. Filing Date: 03 June 2008 : DECISION
Priority Date Claimed: 16 June 2007 :
Attorney Docket No.: BHC 071053 PCT-US01 :
For: SUBSTITUTED FUROPYRIMIDINES AND :
USE THEREOF :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 December 2010.

BACKGROUND

On 03 June 2008, applicant filed international application PCT/EP2008/004407, which claimed priority of an earlier Germany application filed 16 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 16 December 2009.

On 15 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that additional fees must be provided.

On 10 June 2010, international application PCT/EP2008/004407 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 21 December 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a new Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration filed on 15 December 2009 fails to list Hartmut Beck as an inventor as required by 37 CFR 1.497(a)(3).

Bryan Lin
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED

DEC 22 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
DORSCH et al	:	
Application No.: 12/664,791	:	
PCT No.: PCT/EP2008/004151	:	
Int. Filing Date: 23 March 2008	:	PETITION UNDER
Priority Date: 21 June 2007	:	
Attorney Docket No.: 030860.00057	:	
For: 6-(PYRROLOPYDRIDINYL)...	:	
CANCER AND AIDS	:	37 CFR 1.182

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.182 For Inventors Name Change" filed on 19 October 2010.

BACKGROUND

In a decision from this Office on 26 May 2010, the decision indicated that the application could not enter into national stage at that time because items (1) and (2) under MPEP §605/04(c) were not met.

On 19 August 2010, this renewed petition was filed that included the required fee and an affidavit in support of the name change from Margarita WUCHERER to Margarita WUCHERER-PLIETKER.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been paid by credit card.

With respect to item (2), petitioner has provided with the renewed petition an affidavit from Margarita WUCHERER-PLIETKER explaining her named changed from Margarita WUCHERER (maiden name) to Margarita WUCHERER-PLIETKER (married named), and sets forth the procedure whereby the change of name was effected. She has also signed the affidavit under both names. Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/664,816	Filing date:	December 15, 2009
First Named Inventor:	Ryuichi INOUE		
Title of the Invention:	MAGNESIUM ALLOY SHEET		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/001466

The international date of the corresponding PCT application(s) is/are: June 9, 2008

I. List of Required Documents:

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

☒ Is attached.

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

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

☒ Is attached.

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

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

The provided English translation of the WO/ISR was downloaded from the WIPO web server and therefore is regarded as an accurate English translation.

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-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/664,816
First Named Inventor:	Ryuichi INOUE

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on December 15, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on December 15, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Substantially the same except JP claims 2-17 are dependent on multiple claims and US claims 2-17 are dependent on claim 1.

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

Signature Aamer Syed Ahmed	Date September 22, 2010
Name (Print/Typed) Aamer S. Ahmed	Registration Number 58,958

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.

STATEMENT

The undersigned hereby certifies that the attached English translation of the claims in PCT/JP2008/001466 which were indicated as having novelty, inventive step and industrial applicability in the Written Opinion of an International Searching Authority is accurate.

Signed this 6th day of September, 2010

Signature: Kenichi Takahashi

Name: Kenichi TAKAHASHI

Address: c/o Osaka Works of
SUMITOMO ELECTRIC INDUSTRIES, LTD.
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Osaka, JAPAN

CLAIMS

1. A magnesium alloy sheet, comprising magnesium-based alloy and having a half peak width of 0.20 deg or more and 0.59 deg or less in a (0004) diffraction peak in monochromatic X-ray diffraction.

2. The magnesium alloy sheet as defined by claim 1, wherein:

(a) the magnesium-based alloy, constituting the sheet, has a low-confidence-index (low-CI) region that has a confidence index (CI) of less than 0.1 in EBSD measurement; and

(b) the low-CI region has an area proportion of 50% or more and less than 90%.

3. The magnesium alloy sheet as defined by claim 1 or 2, the sheet having a surface on which a compressive residual stress exists in the direction of the width of the sheet or in a direction at an angle of 90 degrees toward the direction of the width of the sheet.

4. The magnesium alloy sheet as defined by any one of claims 1 to 3, the sheet having a surface on which a compressive residual stress of 0 MPa or more and 100 MPa or less exists in the rolling direction when the rolling direction coincides with a direction at an angle of 90 degrees toward the direction of the width of the sheet.

5. The magnesium alloy sheet as defined by any one of claims 1 to 4, the sheet having a surface on which a compressive residual stress of 0 MPa or more and 100 MPa or less exists in a direction at an angle of 90 degrees toward the rolling direction when the rolling direction coincides with a direction at an angle of 90 degrees toward the direction of the width of the sheet.

6. The magnesium alloy sheet as defined by any one of claims 1 to 5, the sheet having an indicator value of c-axis orientation of 4.00 or more.

7. The magnesium alloy sheet as defined by any one of claims 1 to 6, the sheet having

an average c-axis inclining angle of 5 degrees or less.

8. The magnesium alloy sheet as defined by any one of claims 1 to 7, the sheet having an elongation of 100% or more at a temperature of 200℃ or higher in all of the directions of zero, 45, 90, and 135 degrees when any given direction of the sheet is assumed to be zero degrees.

9. The magnesium alloy sheet as defined by any one of claims 1 to 8, the sheet having an elongation of 200% or more at a temperature of 250℃ or higher in all of the directions of zero, 45, 90, and 135 degrees when any given direction of the sheet is assumed to be zero degrees.

10. The magnesium alloy sheet as defined by any one of claims 1 to 9, the sheet having an elongation of 300% or more at a temperature of 275℃ or higher in all of the directions of zero, 45, 90, and 135 degrees when any given direction of the sheet is assumed to be zero degrees.

11. The magnesium alloy sheet as defined by any one of claims 1 to 10, the sheet having a Vickers hardness (Hv) of 85 or more and 105 or less.

12. The magnesium alloy sheet as defined by any one of claims 1 to 11, the sheet having an elongation of 2.0% or more and 14.9% or less at 20℃, a tensile strength of 350 MPa or more and 400 MPa or less at 20℃, and a 0.2% proof stress of 250 MPa or more and 350 MPa or less at 20℃ in all of the directions of zero, 45, 90, and 135 degrees when any given direction of the sheet is assumed to be zero degrees.

13. The magnesium alloy sheet as defined by any one of claims 1 to 12, wherein the magnesium-based alloy contains 1.0 mass % or more and 10.0 mass % or less Aluminum, 0.1 mass % or more and 1.5 mass % or less Zinc, and the remainder that is composed of Magnesium and unavoidable impurities.

14. The magnesium alloy sheet as defined by any one of claims 1 to 13, wherein the magnesium-based alloy contains more than 50 mass % magnesium and at least one element selected from the group consisting of aluminum, zinc, manganese, yttrium, zirconium, copper, silver, and silicon with a total content of 0.01 mass % or more and 20 mass % or less.

15. The magnesium alloy sheet as defined by any one of claims 1 to 14, wherein the magnesium-based alloy contains more than 50 mass % magnesium and at least one element selected from the group consisting of calcium and beryllium with a total content of 0.00001 mass % or more and 16 mass % or less.

16. The magnesium alloy sheet as defined by any one of claims 1 to 15, wherein the magnesium-based alloy contains more than 50 mass % magnesium and at least one element selected from the group consisting of nickel, gold, platinum, strontium, titanium, boron, bismuth, germanium, indium, terbium, neodymium, niobium, lanthanum, and the rare earth element (except neodymium, terbium, and lanthanum) with a total content of 0.001 mass % or more and 5 mass % or less.

17. A magnesium alloy formed body, produced by performing plastic forming at 200℃ or more on the magnesium alloy sheet as defined by any one of claims 1 to 16.

18. The magnesium alloy formed body as defined by claim 17, wherein the plastic forming is performed through press forming.

19. A method of producing a magnesium alloy sheet, the method producing a sheet comprising magnesium-based alloy;

the method comprising the steps of:

(a) rolling a material comprising the magnesium-based alloy; and

(b) giving a strain to a sheet produced in the step of rolling a material, the sheet being

under a heated condition;

wherein:

(c) the giving of a strain is performed such that the half peak width in a (0004) diffraction peak becomes 0.20 deg or more and 0.59 deg or less in a monochromatic X-ray diffraction conducted on the sheet after the strain is given; and

(d) a heat treatment aiming at recrystallization is not performed before and after the step of giving a strain.

20. The method of producing a magnesium alloy sheet as defined by claim 19, wherein the giving of a strain is performed by passing the sheet heated at 100℃ or more and 250℃ or less between rollers heated at 150℃ or more and 300℃ or less.

請求の範囲

[1] マグネシウム基合金からなるマグネシウム合金板材であって、

単色光X線回折における(0004)回折ピークの半価幅が0.20deg以上0.59deg以下であることを特徴とするマグネシウム合金板材。

[2] 前記マグネシウム合金板材は、この板材を構成するマグネシウム基合金のEBSD測定における信頼性指数が0.1未満である低CI領域を有しており、

前記低CI領域が、面積比で50%以上90%未満であることを特徴とする請求の範囲第1項に記載のマグネシウム合金板材。

[3] 前記マグネシウム合金板材は、その表面に、板幅方向又は板幅方向に対して90°方向に圧縮性の残留応力が存在することを特徴とする請求の範囲第1項又は第2項に記載のマグネシウム合金板材。

[4] 前記マグネシウム合金板材の板幅方向に対して90°方向が圧延方向であるとき、前記マグネシウム合金板材は、その表面に、圧延方向に0MPa以上100MPa以下の圧縮性の残留応力が存在することを特徴とする請求の範囲第1項～第3項のいずれか1項に記載のマグネシウム合金板材。

[5] 前記マグネシウム合金板材の板幅方向に対して90°方向が圧延方向であるとき、前記マグネシウム合金板材は、その表面に、圧延方向に対して90°方向に0MPa以上100MPa以下の圧縮性の残留応力が存在することを特徴とする請求の範囲第1項～第4項のいずれか1項に記載のマグネシウム合金板材。

[6] 前記マグネシウム合金板材のc軸配向指標値が4.00以上であることを特徴とする請求の範囲第1項～第5項のいずれか1項に記載のマグネシウム合金板材。

[7] 前記マグネシウム合金板材のc軸平均傾斜角度が5°以下であることを特徴とする請求の範囲第1項～第6項のいずれか1項に記載のマグネシウム合金板材。

[8] 前記マグネシウム合金板材の任意の方向を0°とするとき、0°,45°,90°,135°のいずれの方向においても、200℃以上の温度における伸びが100%以上であることを特徴とする請求の範囲第1項～第7項のいずれか1項に記載のマグネシウム合金板材。

[9] 前記マグネシウム合金板材の任意の方向を0°とするとき、0°,45°,90°,135°のいずれの方向においても、250℃以上の温度における伸びが200%以上であることを特徴とする請求の範囲第1項～第8項のいずれか1項に記載のマグネシウム合金板材。

[10] 前記マグネシウム合金板材の任意の方向を0°とするとき、0°,45°,90°,135°のいずれの方向においても、275℃以上の温度における伸びが300%以上であることを特徴とする請求の範囲第1項～第9項のいずれか1項に記載のマグネシウム合金板材。

[11] 前記マグネシウム合金板材のビッカース硬度(Hv)が85以上105以下であることを特徴とする請求の範囲第1項～第10項のいずれか1項に記載のマグネシウム合金板材。

[12] 前記マグネシウム合金板材の任意の方向を0°とするとき、0°,45°,90°,135°のいずれの方向においても、20℃における伸びが2.0%以上14.9%以下、20℃における引張強度が350MPa以上400MPa以下、20℃における0.2%耐力が250MPa以上350MPa以下であることを特徴とする請求の範囲第1項～第11項のいずれか1項に記載のマグネシウム合金板材。

[13] 前記マグネシウム基合金は、質量%で、アルミニウムを1.0%以上10.0%以下、亜鉛を0.1%以上1.5%以下含み、残部がマグネシウム及び不可避的不純物からなることを特徴とする請求の範囲第1項～第12項のいずれか1項に記載のマグネシウム合金板材。

[14] 前記マグネシウム基合金は、マグネシウムを50質量%超含有し、アルミニウム、亜鉛、マンガン、イットリウム、ジルコニウム、銅、銀、及びシリコンからなる群から選択される1種以上の元素を合計で0.01質量%以上20質量%以下含むことを特徴とする請求の範囲第1項～第13項のいずれか1項に記載のマグネシウム合金板材。

[15] 前記マグネシウム基合金は、マグネシウムを50質量%超含有し、カルシウム及びベリリウムの少なくとも1種の元素を合計で0.00001質量%以上16質量%以下含むことを特徴とする請求の範囲第1項～第14項のいずれか1項に記載

のマグネシウム合金板材。

[16] 前記マグネシウム基合金は、マグネシウムを50質量%超含有し、ニッケル、金、プラチナ、ストロンチウム、チタン、ホウ素、ビスマス、ゲルマニウム、インジウム、テルビウム、ネオジム、ニオブ、ランタン、及び希土類元素RE(但しネオジム、テルビウム、ランタンを除く)からなる群から選択される1種以上の元素を合計で0.001質量%以上5質量%以下含むことを特徴とする請求の範囲第1項～第15項のいずれか1項に記載のマグネシウム合金板材。

[17] 請求の範囲第1項～第16項のいずれか1項に記載のマグネシウム合金板材に、200℃以上で塑性加工して得られたことを特徴とするマグネシウム合金成形体。

[18] 前記塑性加工は、プレス加工であることを特徴とする請求の範囲第17項に記載のマグネシウム合金成形体。

[19] マグネシウム基合金からなる板材を製造するマグネシウム合金板材の製造方法であって、

前記マグネシウム基合金からなる素材に圧延を施す工程と、

前記圧延により得られた圧延材を加熱した状態で歪みを付与する工程とを具え、

前記歪みの付与は、付与後の板材の単色光X線回折における(0004)回折ピークの半価幅が0.20deg以上0.59deg以下となるように行い、

前記歪みを付与する工程の前後において、再結晶化を目的とする熱処理を行わないことを特徴とするマグネシウム合金板材の製造方法。

[20] 前記歪みの付与は、100℃以上250℃以下に加熱した圧延材を150℃以上300℃以下に加熱したローラ間に通過させることで行うことを特徴とする請求の範囲第19項に記載のマグネシウム合金板材の製造方法。

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference PCT-2008-005	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/001466	09.06.2008	28.06.2007

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

Applicant

SUMITOMO ELECTRIC INDUSTRIES, LTD.

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

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/001466

Box No. I Basis of this opinion

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

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

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

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

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

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/001466

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

1. Statement

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

2. Citations and explanations:

Document 1: JP 2005-298885 A (Nippon Kinzoku Co., Ltd.), 27 October 2005, entire text, all drawings (Family: none)

Document 2: JP 2004-351486 A (Matsushita Electric Industrial Co., Ltd.), 16 December 2004, entire text, all drawings (Family: none)

Document 3: WO 2006/104028 A1 (Sumitomo Electric Industries, Ltd.), 05 October 2006, entire text & DE 112006000023 T

Document 4: JP 2006-144059 A (Mitsubishi Aluminum Co., Ltd.), 08 June 2006, entire text, all drawings (Family: none)

Document 5: JP 2005-281848 A (Toyo Kohan Co., Ltd.), 13 October 2005, entire text (Family: none)

The invention as in claims 1-18 is not disclosed in any of the documents cited in the ISR, and therefore is novel. In particular, a magnesium alloy plate having a half value width of a (0004) diffraction peak in a monochromatic X-ray diffraction of 0.20-0.59 deg. is not disclosed in any of the documents.

The invention as in claims 19 and 20 is not disclosed in any

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

of the documents cited in the ISR, and therefore is novel. In particular, a method for producing a magnesium alloy plate wherein, in a state that a rolled material obtained by rolling is heated, strain is imparted thereto in such a manner that a half value width of a (0004) diffraction peak in a monochromatic X-ray diffraction becomes 0.20-0.59 deg. and wherein no heat treatment causing the plate to recrystallize is performed before or after such strain imparting step is not disclosed in any of the documents.

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
　山野宏

様

あて名
〒532-0011
日本国大阪府大阪市淀川区西中島六丁目１番３号
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ＰＣＴ
国際調査機関の見解書
（法施行規則第 40 条の 2）
〔ＰＣＴ規則 43 の 2.1〕

発送日 （日.月.年）	０９．０９．２００８
出願人又は代理人 の書類記号　PCT-2008-005	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００８／００１４６６	（日.月.年）　０９．０６．２００８	（日.月.年）　２８．０６．２００７

国際特許分類（ＩＰＣ）Int.Cl. C22C23/02(2006.01)i, C22C23/04(2006.01)i, C22F1/06(2006.01)i, B21D22/20(2006.01)i

出願人（氏名又は名称）
住友電気工業株式会社

１．この見解書は次の内容を含む。

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

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

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

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
０１．０９．２００８

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 鈴木　毅	４Ｋ　９１５４
	電話番号　０３－３５８１－１１０１　内線　３４３５	

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００８／００１４６６

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

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

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

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

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

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

5．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００８／００１４６６

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

１．　見解

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

２．　文献及び説明

文献１：JP 2005-298885 A（日本金属株式会社）2005.10.27，全文，全図
（ファミリーなし）
文献２：JP 2004-351486 A（松下電器産業株式会社）2004.12.16，全文，全図
（ファミリーなし）
文献３：WO 2006/104028 A1（住友電気工業株式会社）2006.10.05，全文
& DE 112006000023 T
文献４：JP 2006-144059 A（三菱アルミニウム株式会社）2006.06.08，全文，全図
（ファミリーなし）
文献５：JP 2005-281848 A（東洋鋼鈑株式会社）2005.10.13，全文（ファミリーなし）

請求の範囲１－１８に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性を有する。特に、マグネシウム合金板材において、単色光Ｘ線回折における（０００４）回折ピークの半価幅を０．２０ｄｅｇ以上０．５９ｄｅｇ以下としたマグネシウム合金板材は、何れの文献にも開示されていない。

請求の範囲１９、２０に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性を有する。特に、マグネシウム合金板材の製造方法において、圧延により得られた圧延材を加熱した状態で、単色光Ｘ線回折における（０００４）回折ピークの半価幅が０．２０ｄｅｇ以上０．５９ｄｅｇ以下となるように歪みを付与し、加えて、斯かる歪み付与工程の前後には、板材が再結晶化する熱処理は行わないこととしたマグネシウム合金板材の製造方法は、何れの文献にも開示されていない。

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.
12/664,816	12/15/2009	Ryuichi Inoue	050395-0469	5203

20277 7590 11/23/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CT

November 23, 2010

In re application of	:	DECISION ON REQUEST TO
Ryuichi Inoue et al	:	PARTICIPATE IN PATENT
Serial No. 12/664,816	:	PROSECUTION HIGHWAY
Filed: December 15, 2009	:	PROGRAM AND
For: MAGNESIUM ALLOY SHEET	:	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 September 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 02 2011

PCT LEGAL ADMINISTRATION

Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center
Eighth Floor
San Francisco CA 94111-3834

In re Application of :
JAMES, et al. :
Application No.: 12/664,832 : DECISION ON PETITION
PCT No.: PCT/GB2008/002053 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 June 2008 :
Priority Date: 15 June 2007 :
Attorney Docket No.: 010112-001500US :
For: BROADCAST RECEIVER

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 02 February 2011 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 11 February 2011 is hereby VACATED.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 31 March 2010, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 01 July 2010.

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

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). A review of the declaration filed on 02 February 2011 reveals that the declaration is not in an acceptable form. Petitioner has

provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it includes page "1 of 3" and only the signature page executed by each inventor. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

MAY 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
JAMES, et al. :
Application No.: 12/664,832 :
PCT No.: PCT/GB2008/002053 :
Int. Filing Date: 16 June 2008 :
Priority Date: 15 June 2007 :
Attorney Docket No.: 010112-001500US :
For: BROADCAST RECEIVER

RENEWED
DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 02 May 2011 in the above-captioned application is hereby GRANTED as follows:

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

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

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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32692
3M INNOVATIVE PROPERTIES COMPANY
P.O. Box 33427
St. Paul, MN 55133-3427

MAILED
21 DEC 2010
PCT LEGAL ADMINISTRATION

In re Application of :
BOYD *et al* :
U.S. Application No.: 12/664,855 :
PCT No.: PCT/US2008/067696 :
Int. Filing Date: 20 June 2008 :
Priority Date: 22 June 2007 :
Attorney Docket No.: 63170US006 :
For: SYSTEMS AND METHODS FOR CONTROLLING BACKLIGHT OUTPUT CHARACTERISTICS :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 02 November 2010.

BACKGROUND

On 08 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 02 November 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 surcharge fee; a $200.00 petition fee; a five-month extension and $2,350.00 extension fee; a declaration signed on behalf of the nonsigning inventor; and a documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Rui ZHANG, "cannot be located" and have filed the subject petition under 37 CFR 1.47(a).

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

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied in the initial petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants claim that joint inventor Rui ZHANG cannot be located. A review of the evidence presented shows that Mr. ZHANG no longer works for 3M China Limited and that he failed to reply to emails sent to his personal email address on file. In addition, a copy of the subject application was delivered to the last known address of Mr. ZHANG in China by Federal Express on 23 August 2010. On 05 October 2010, a request for an alternate address was sent to 3M China; however, no response was received as of the date of the petition (02 November 2010). Section 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.

Here, applicants have not shown that a diligent effort was made to locate Mr ZHANG. There is no evidence that a search of any type was made to verify if Mr. ZHANG still resides at his current address, or to find a valid telephone number or email address. Moreover, it does not appear that 3M China Limited responded to applicants' request sent 05 October 2010 for an alternate address. For a grantable petition, applicants must demonstrate that an attempt was made to locate the nonsigning inventor.

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

CONCLUSION

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

---

[1] Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is recorded in the petition. A declaration signed by twenty-four of the twenty-five named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

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

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

James Thomson

James Thomson
Attorney Advisor
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St. Paul, MN 55133-3427

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MAY 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BOYD *et al* :
U.S. Application No.: 12/664,855 :
PCT No.: PCT/US2008/067696 :
Int. Filing Date: 20 June 2008 :
Priority Date: 22 June 2007 :
Attorney Docket No.: 63170US006 :
For: SYSTEMS AND METHODS FOR CONTROLLING BACKLIGHT OUTPUT CHARACTERISTICS :

DECISION

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

BACKGROUND

On 21 December 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 22 February 2011, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Rui ZHANG. This declaration is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 June 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 February 2011.

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

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MAR 23 2012

OFFICE OF PETITIONS

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

In re Application of	:	
PEROU, et al	:	
Application No. 12/664,869	:	DECISION ON PETITION
Filed: May 18, 2010	:	TO WITHDRAW
Attorney Docket No. 035052/38173035052/381730	:	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 3, 2012.

The request is **APPROVED**.

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

The request was signed by W. Murray Spruill on behalf of the attorneys of record associated with Customer No. 00826.

The attorneys of record associated with Customer No. 00826 have been withdrawn.

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL
308 BYNUM HALL, CB #4105
CHAPEL HILL NC 27599-4105

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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
12/664,869	05/18/2010	Charles M. Perou	035052/381730

CONFIRMATION NO. 5776

POWER OF ATTORNEY NOTICE

826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

OC000000052929646

Date Mailed: 03/05/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/03/2012.

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

/dcgoodwyn/

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

28 SEP 2010

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IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of :
Kruse et al. :
Application No. 12/664,916 :
PCT No.: PCT/EP2008/001550 :
Int. Filing Date: 27 February 2008 : DECISION
Priority Date: 27 June 2007 :
Atty. Docket No.: BEZ-09-1305 :
For: Isolated Proliferating Cells With Stem Cell :
Properties From Adult Tissue Of :
Poikilothermic Vertebrates, Stable Cell... :

This is in response to the petition under 37 CFR 1.182 filed on 12 August 2010.

BACKGROUND

This international application was filed on 27 February 2008, claimed an earlier priority date of 27 June 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 31 December 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 27 December 2009. Applicants filed, *inter alia*, the basic national fee on 16 December 2009.

On 21 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the executed declaration filed on 12 August 2010 reveals that it nominates "Emel Singh" in place of "GURLEYIK, Emel" named in the published international application. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement, preferably by the inventor himself, stating the relevant facts. *See also* MPEP 1893.01(e).

Applicants have filed a petition under 37 CFR 1.182, stating that "Emel Guerleyik is now Emel Singh," apparently as a result of marriage. In support of the petition, applicants have provided a copy of a German language "Certification of Marriage," along with an English translation thereof and a "Certificate of Verification" of the translation. However, petitioner has not presented a first-hand statement of an individual (e.g., the inventor in question) who is familiar with the facts involved.

The Notice of Acceptance mailed on 09 September 2010 and the Filing Receipts mailed on 22 September 2010 and 09 September 2010 were issued prematurely, and both are hereby **VACATED**.

DECISION

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

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

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

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

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JAN 07 2011

PCT LEGAL ADMINISTRATION

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
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PHILADELPHIA PA 19103

In re Application of :
Kruse et al. :
Application No. 12/664,916 :
PCT No.: PCT/EP2008/001550 :
Int. Filing Date: 27 February 2008 : DECISION
Priority Date: 27 June 2007 :
Atty. Docket No.: BEZ-09-1305 :
For: Isolated Proliferating Cells With Stem Cell Properties From Adult Tissue Of Poikilothermic Vertebrates, Stable Cell... :

This is in response to the renewed petition under 37 CFR 1.182 filed on 04 November 2010.

DISCUSSION

In a Decision mailed on 28 September 2010, the petition under 37 CFR 1.182 filed on 12 August 2010 was dismissed, without because

> ...petitioner has not presented a first-hand statement of an individual (e.g., the inventor in question) who is familiar with the facts involved.

In response, petitioner now has presented an appropriate "Declaration of Emel Singh," who states the relevant facts. Based on the totality of the evidence now of record, it would be appropriate to accept the inventor's name, Emel Singh, as it appears on the declaration filed on 12 August 2010. Accordingly, it would now be appropriate to accept said declaration for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

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

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **12 August 2010**.

/George Dombroske/
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OCT 13 2010

PCT LEGAL ADMINISTRATION

TOWNSEND & BANTA
C/O PORTFOLIO IP
PO BOX 52050
MINNEAPOLIS, MN 55402

In re Application of FURUJO et al :
U.S. Application No.: 12/664,918 :
PCT Application No.: PCT/JP2008/061091 : DECISION
Int. Filing Date: 18 June 2008 :
Priority Date Claimed: 21 June 2007 :
Attorney Docket No.: NAK-093-USA-PCT :
For: PLASMA CUTTING METHOD :

This is in response to applicant's petition under 37 CFR 1.497(d) filed 11 August 2010.

BACKGROUND

On 18 June 2008, applicant filed international application PCT/JP2008/061091, which claimed priority of an earlier Japan application filed 21 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 21 December 2009.

On 16 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 11 August 2010, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Kazuomi Kusumoto should be deleted as an inventor.

37 CFR 1.497(d) states,

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

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, although an appropriate statement of consent from the purported assignee has been provided, the assignee has not established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

The declaration filed with the petition is not acceptable. First, the declaration improperly lists Kazuomi Kusumoto as an inventor. Furthermore, the given name of the fifth inventor does not match that shown in the international application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

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

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

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JAN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of FURUJO et al :
U.S. Application No.: 12/664,918 :
PCT Application No.: PCT/JP2008/061091 : DECISION
Int. Filing Date: 18 June 2008 :
Priority Date Claimed: 21 June 2007 :
Attorney Docket No.: NAK-093-USA-PCT :
For: PLASMA CUTTING METHOD :

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed on 13 December 2010.

BACKGROUND

On 18 June 2008, applicant filed international application PCT/JP2008/061091, which claimed priority of an earlier Japan application filed 21 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 21 December 2009.

On 16 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 11 August 2010, applicant filed a petition under 37 CFR 1.497(d).

On 13 October 2010, this Office mailed a decision dismissing the 11 August 2010 petition.

On 13 December 2010, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Kazuomi Kusumoto should be deleted as an inventor.

37 CFR 1.497(d) states,

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

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, an appropriate statement of consent from the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

As set forth in the decision mailed 13 October 2010, the declaration filed on 11 August 2010 is not acceptable. First, the declaration improperly lists Kazuomi Kusumoto as an inventor. Furthermore, the given name of the fifth inventor does not match that shown in the international application. Although a new declaration is not necessitated by 37 CFR 1.497(f) as stated above, a new declaration is nevertheless required under 37 CFR 1.497(a).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

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

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PCT LEGAL ADMINISTRATION

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In re Application of FURUJO et al :
U.S. Application No.: 12/664,918 :
PCT Application No.: PCT/JP2008/061091 : DECISION
Int. Filing Date: 18 June 2008 :
Priority Date Claimed: 21 June 2007 :
Attorney Docket No.: NAK-093-USA-PCT :
For: PLASMA CUTTING METHOD :

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed on 07 July 2011.

BACKGROUND

On 18 June 2008, applicant filed international application PCT/JP2008/061091, which claimed priority of an earlier Japan application filed 21 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 21 December 2009.

On 16 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 11 August 2010, applicant filed a petition under 37 CFR 1.497(d).

On 13 October 2010, this Office mailed a decision dismissing the 11 August 2010 petition.

On 13 December 2010, applicant filed a renewed petition under 37 CFR 1.497(d).

On 07 January 2011, this Office mailed a decision dismissing the 13 December 2010 petition.

On 07 July 2011, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Kazuomi Kusumoto should be deleted as an inventor. Applicant previously satisfied the requirements specified in 37 CFR 1.497(d). However, the given name of the fifth inventor listed on the declaration filed 07 July 2011 differs from that indicated in the international application.

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the fifth inventor's name was the result of a transliteration error. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 July 2011.

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

Bryan Lin

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FEB 08 2011

In re Application of	:	DECISION ON PCT LEGAL ADMINISTRATION
NOELLE et al	:	
Application No.: 12/664,921	:	
PCT No.: PCT/IB2008/067088	:	
Filing Date: 16 June 2008	:	PETITION UNDER
Priority Date: 15 June 2007	:	
Attorney's Docket No.: 67898.705001	:	
For: Use of TLR... Agonist therapeutic Regimens	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed 16 December 2009..

BACKGROUND

On 16 June 2008, this international application was filed, claiming an earliest priority date of 15 June 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 15 December 2009. This international application became abandoned with respect to the United States at midnight on 15 December 2009 for failure to pay the required basic national fee.

On 16 December 2009, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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

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MAY 31 2011

PCT LEGAL ADMINISTRATION

Shell Oil Company
P.O. Box 2463
Houston TX 77252-2463

In re Application of	:	
CRAMWINCKEL et al.	:	
U.S. App. No. 12/664,932	:	DECISION ON PETITION
PCT No.:PCT/EP2008/058060	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 June 2008	:	
Priority Date: 27 June 2007	:	
Attorney Docket: TS6887(US)	:	
For: METHOD OF USING CONTAMINATED WATER FROM AN OILWELL EFFLUENT STREAM	:	

The petition to revive under 37 CFR 1.137(b) filed 13 May 2011 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

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LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

MAILED
APR 07 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
SKELTON et al	:	
Application No.: 12/664,961	:	
PCT No.: PCT/GB2008/002377	:	
Int. Filing Date: 10 July 2008	:	PETITION UNDER
Priority Date: 13 July 2007	:	
Attorney Docket No.: BRYER.P017	:	
For: TAMPER-EVIDENT CLOSURE	:	37 CFR 1.181

This decision is in response to the "RESPONSE TO NOTIFICATION AND LETTER TO OFFICE" filed 20 May 2010, which is being treated as a petition under 37 CFR 1.181 requesting to accept the declaration filed on 05 March 2010.

BACKGROUND

On 16 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); however, no executed declaration or oath under 35 U.S.C. 371(c)(4) was provided.

On 05 March 2010, applicants filed an executed declaration.

On 20 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905)... indicating that the declaration contains non-initialed and dated changes. The Notice indicated that the item must be submitted within two months from the date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 20 May 2010, applicants filed the current petition pursuant 37 CFR 1.181 requesting acceptance of the executed declaration.

DISCUSSION

The MPEP is on point on this issue and the relevant part cited below.

Section 602.01 Oath Cannot Be Amended

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required. However, in some cases, a deficiency in the oath or declaration can be corrected by a supplemental paper such as an application data sheet (see 37 CFR 1.76 and MPEP § 601.05) and a new oath or declaration is not necessary. See 37 CFR 1.63(c)(1) and (c)(2).
>
> For example, if the oath does not set forth evidence that the notary was acting within his or her jurisdiction at the time he or she administered the oath, a certificate of the notary that the oath was taken within his or her jurisdiction will correct the deficiency. See MPEP § 602 and § 604.02.

A review of the executed declaration filed on 05 March 2010 reveals that it was defective, in that the declaration has been improperly altered – lines across the addresses of the co-inventors- and the addresses hand-written next to the alterations to reflect the correct addresses of the co-inventors. Any alternations made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52. As a result, the declaration may not be accepted at this time.

A proper response to this decision is a new oath or declaration in compliance with 37 CFR 1.63. There is no petition fee for this correction.

DECISION

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

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time are available under 37 CFR 1.136(a).

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

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

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SCARSDALE NY 10583

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JUN 30 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
SKELTON et al	:	
Application No.: 12/664,961	:	
PCT No.: PCT/GB2008/002377	:	
Int. Filing Date: 10 July 2008	:	PETITION UNDER
Priority Date: 13 July 2007	:	
Attorney Docket No.: BRYER.P017	:	
For: TAMPER-EVIDENT CLOSURE	:	37 CFR 1.181

This decision is responsive to applicants' "RENEWED PETITION UNDER 37 CFR 1.181," filed on 05 May 2011 requesting the acceptance of the executed declarations.

BACKGROUND

In a decision from this Office on 07 April 2011, the declaration submitted was not accepted because it had been improperly altered.

On 05 May 2011 applicants submitted a second renewed petition under 37 CFR 1.181 submitting a properly executed declaration.

DISCUSSION

The declarations filed on 05 May 2011 is a properly of executed declarations that satisfies the conditions set forth under 37 CFR 1.497(a) and (b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **05 May 2011.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Administration
Work (571) 272-3276
Fax (571) 273-0459

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:	12/664,976	Filing date:	12/16/2009
First Named Inventor:	Michael G. Crilly		
Title of the Invention:	Tree Slide		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/035788

The international date of the corresponding PCT application(s) is/are: 03/03/2009

I. List of Required Documents:

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

☐ Is attached.

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

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

☒ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/664,976
First Named Inventor:	Michael G. Crilly

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 12/16/2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on 12/16/2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	12	Amended claim 1 now includes limitations of claim 12
19	10	New claim 19 includes limitations of claims 1, 5, and 10
20	10, 11	New claim 20 includes limitations of claims 1, 5, 10, and 11
21	13	New claim 21 includes limitations of claims 1 and 13
22	14	New claim 22 includes limitation of claims 1 and 14
23	17	New claim 23 includes limitations of claims 1, 15 and 17

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

Signature /Michael G. Crilly, Esquire/	Date 08/19/2010
Name (Print/Typed) Michael G. Crilly, Esquire	Registration Number 44631

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.

CLAIMS

PCT APPLICATION NO. PCT/US2009/035788

Claims indicated as having novelty, inventive step, and industrial applicability

10. The tree slide of claim 5, wherein said rim extends below said central region so as to deflect when said tree slide is placed onto a surface.

11. The tree slide of claim 10, wherein said tree slide produces a low pressure field adjacent to said cavity so as to secure said tree slide to said surface.

12. The tree slide of claim 1, wherein said arcuate perimeter is pliable and resilient.

13. The tree slide of claim 1, further comprising:

(c) an anti-skid layer along one side of said tree slide.

14. The tree slide of claim 1, further comprising:

(c) a low-friction layer along one side of said tree slide.

17. The tree slide of claim 15, wherein said cover includes a pocket about the perimeter of said cover and an elastic element which is shorter than the perimeter of said cover.

18. The tree slide of claim 16, wherein said elastic element is a cord.

Claims indicated as not having novelty, inventive step, and/or industrial applicability

1. A tree slide comprising:

(a) a central region of substantially planar extent, said central region sufficiently large to support a tree stand; and

(b) an arcuate perimeter which surrounds and extends from said central region, said arcuate perimeter forming a cavity there under.

2. The tree slide of claim 1, wherein said cavity avoids compression of a structure disposed along a surface so as to secure said tree slide along said surface.

3. The tree slide of claim 2, wherein said structure is a carpet.

4. The tree slide of claim 1, wherein said arcuate perimeter is sufficiently raised above said central region so as to contain a fluid contacting said central region.

5. The tree slide of claim 1, further comprising:

(c) a rim which extends from said arcuate perimeter opposite of said central region.

6. The tree slide of claim 5, wherein said cavity avoids the compression of a structure disposed along a surface so as to secure said tree slide along said surface.

7. The tree slide of claim 5, wherein said structure is a carpet.

8. The tree slide of claim 5, wherein said arcuate perimeter is sufficiently raised above said central region so as to contain a fluid disposed along said central region.

9. The tree slide of claim 5, wherein said central region and said rim are aligned so as to contact a surface.

15. The tree slide of claim 1, further comprising:

(c) a cover which conceals said tree stand and said tree slide, said cover composed of a stretchable and conformable material and having an opening facilitating attachment of a tree to said tree stand.

16. The tree slide of claim 15, wherein said cover is a fabric.

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SEP 30 2010

Law Offices of Michael Crilly
104 South York Road
Hatboro PA 19040

In re application of
Crilly et al.
Application No. 12/664,976
Filed: December 16, 2010
For: TREE SLIDE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of December 16, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 09/29/10

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FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

MAILED

JAN 31 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
JOHN, Erwin Roy, et al.	:	
Application No.: 12/665,000	:	DECISION ON
PCT No.: PCT/US2008/067221	:	
Int. Filing Date: 17 June 2008	:	REQUEST
Priority Date: 18 June 2007	:	
Att. Docket No.: 50124/04603(JOH01-49US2)	:	UNDER 37 CFR 1.42
For: ELECTRONIC IDENTITY CARD	:	

This is a decision on applicant's submission of a declaration on 12 May 2010, containing an indication that an inventor is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 April 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 12 May 2010, applicants filed a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 12 May 2010 declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address, satisfying 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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Washington DC 20006

MAIL

DEC 07 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
IWAI, TAKASHI, et al.
Application No. 12/665,008
Filed: December 16, 2009
Attorney Docket No. **009289-09183**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 5, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/665,015	04/07/2010	Takahisa Kusuura	091619-0381	7563

23524 7590 06/16/2011

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
06/16/2011	PAPER

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

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

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JUN 16 2011

BC

In re application of	:	DECISION ON REQUEST TO
Takahisa Kusuura	:	PARTICIPATE IN PATENT
Serial No. 12/665,015	:	PROSECUTION HIGHWAY
Filed: December 16, 2009	:	PROGRAM AND
Attorney Docket No.: 091619-0381	:	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 07, 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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12665020	16 December, 2009	KUSUURA, TAKAHISA	091619-0382

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
ART UNIT	PAPER
	20110715-1

DATE MAILED:

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

Commissioner for Patents

PTO-90C (Rev.04-03)

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JUL 15 2011

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

In re Application of	:	DECISION ON REQUEST TO
TAKAHISA KUSUURA	:	PARTICIPATE IN PATENT
Application No. 12/665,020	:	PROSECUTION HIGHWAY
Filed: December 16, 2009	:	PROGRAM AND PETITION
Attorney Docket No. 091619-0382	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 13, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application 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) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

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

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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.
12/665,022	12/16/2009	George Savage	PRTS-129 (PRO-115)	7608

61487 7590 09/20/2010

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
3736	

MAIL DATE	DELIVERY MODE
09/20/2010	PAPER

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

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

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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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:	
SAVAGE, GEORGE et al	:	DECISION ON REQUEST TO
Application No. 12/665,022	:	PARTICIPATE IN PATENT
Filed: Dec. 16, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PRTS-129 (PRO-115)	:	PROGRAM AND PETITION
Title: EVALUATION OF GASTROINTESTINAL FUNCTION USING PORTABLE ELECTROVISCEROGRAPHY SYSTEMS AND METHODS OF USING THE SAME	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 23, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the examination or status of the application should be directed to Max Hindenburg, the SPE of Art Unit 3736 and 571-272-4726 for Class 600/546 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

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

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

The petition is **granted.**

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,030	12/16/2009	Mark Zdeblick	PRTS-123 (PRO-105)	7689

61487 7590 10/26/2010

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
10/26/2010	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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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:	
ZDEBLICK, MARK et al	:	DECISION ON REQUEST TO
Application No. 12/665,030	:	PARTICIPATE IN PATENT
Filed: Dec. 16, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PRTS-123 (PRO-105)	:	PROGRAM AND PETITION
Title: MULTIPLEXED MULTI-ELECTRODE NEUROSTIMULATION DEVICES	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 28, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

Other inquiries concerning the examination or status of the application should be directed to Carl Layno, the SPE of Art Unit 3766 and 571-272-4949 for Class 607/61 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

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

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

The petition is **granted.**

/Henry C. Yuen/

_____

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

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GUY KEVIN TOWNSEND
11750 CARMEL DRIVE
LAKEWOOD CO 80215

MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application of	:	
Ronald John Rosenberger	:	DECISION ON PETITION
Application No. 12/665,033	:	TO WITHDRAW
Filed: June 21, 2010	:	FROM RECORD
Attorney Docket No. RRCheckBal07	:	

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 4, 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 Guy Kevin Townsend 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.

Further, a review of USPTO records reveals that the correspondence address associated with Customer Number 77079 filed June 21, 2010 on the Declaration was improperly recorded as a Power of Attorney by the USPTO and the Filing Receipt mailed July 8, 2010 is hereby withdrawn. A corrected filing receipt is enclosed. Currently, there is no Power of Attorney in the above-identified application. As such, all future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Currently, there is no outstanding Office action that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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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
12/665,033	06/21/2010	3694	390	RRCheckBal07	19	3

CONFIRMATION NO. 7815

CORRECTED FILING RECEIPT

77079
Guy Kevin Townsend
11750 Carmel Drive
Lakewood, CO 80215

Date Mailed: 01/13/2012

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)

Ronald John Rosenberger, Newtown, PA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US08/67056 06/15/2008 *
which claims benefit of 60/934,668 06/16/2007
(*)Data provided by applicant is not consistent with PTO records.

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

If Required, Foreign Filing License Granted: 07/07/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/665,033**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

METHODS AND SYSTEMS FOR CHECK OR ELECTRONIC BILL PAYMENT USING PORTIONAL CREDITING FROM ADDITIONAL AVAILABLE CASH AND CREDIT BALANCES

Preliminary Class

705

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.

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:	12/665,111	Filing date:	November 13, 2009
First Named Inventor:	Mark Zdeblick		
Title of the Invention:	Ingestible Therapy Activator System and Method		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/64472

The international date of the corresponding PCT application(s) is/are: November 13, 2009

I. List of Required Documents:

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

☒ Is attached.

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

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

☒ Is attached.

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

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

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

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.:	12/665,111
First Named Inventor:	Mark Zdeblick

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 5-28-2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6	1-6	Claims are identical
8-12	8-12	Claims are identical

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

Signature /Bret E. Field, Reg. No. 37,620/	Date August 17, 2010
Name (Print/Typed) Bret E. Field	Registration Number 37,620

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

DOCKETED
Art 19 9/29/10
Resp WO/CH II 10/29/10
Sup IDS 9/20/10

From the INTERNATIONAL SEARCHING AUTHORITY

To:

FIELD BRET

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

bet

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)

	Date of mailing *(day/month/year)* 29 JULY 2010 (29.07.2010)
Applicant's or agent's file reference PRTS-126WO	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/US2009/064472**	International filing date *(day/month/year)* **13 NOVEMBER 2009 (13.11.2009)**
Applicant **PROTEUS BIOMEDICAL, INC. et al**	

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 : **1POM94T7**

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.
PRTS-126WO		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2009/064472	**13 NOVEMBER 2009 (13.11.2009)**	13 NOVEMBER 2008 (13.11.2008)
Applicant		
PROTEUS BIOMEDICAL, INC. et al		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of **4** 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. **8**
      ☐ 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/US2009/064472

A. CLASSIFICATION OF SUBJECT MATTER

A61M 31/00(2006.01)i, A61M 37/00(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)

A61M 31/00; A61B 5/00; A61B 5/05; A61K 9/22; A61N 1/05

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

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: ingestible unit, module, therapeutic device

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2008-0065168 A1 (OPHIR BITTON et al.) 13 March 2008 See Figure 2 - Figure 3B; [0188] - [0203].	1-12
A	US 2003-0167000 A1 (TARUN MULLICK et al.) 04 September 2003 See Figure 1; [0017] - [0033]; [0053] & [0054].	1-12
A	US 2002-0002326 A1 (JAMES D. CAUSEY et al.) 03 January 2002 See Figure 9 - Figure 20]; [0110] - [0121].	1,8,9
A	US 2005-0277912 A1 (SASHA JOHN) 15 December 2005 See [0003] - [0039].	1,8,9

☐ 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
27 JULY 2010 (27.07.2010)	**29 JULY 2010 (29.07.2010)**

Name and mailing address of the ISA/KR	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	KANG, SANG YOON Telephone No. 82-42-481-8651

Form PCT/ISA/210 (second sheet) (July 2009)

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2009/064472

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2008-0065168 A1	13.03.2008	None	
US 2003-0167000 A1	04.09.2003	AU 2002-245234 A8	23.12.2002
		US 2006-0195015 A1	31.08.2006
		US 7039453 B2	02.05.2006
		WO 02-100256 A2	19.12.2002
		WO 02-100256 A3	19.12.2002
US 2002-0002326 A1	03.01.2002	AU 1999-56815 A1	14.03.2000
		AU 1999-62556 A1	26.04.2000
		AU 2000-27432 A1	25.08.2000
		AU 2000-56231 A1	09.01.2001
		AU 2001-29596 A1	31.07.2001
		CA 2339935 C	06.06.2006
		CA 2339935-A1	02.03.2000
		CA 2345043 C	11.08.2009
		CA 2345043-A1	13.04.2000
		CA 2356682 C	22.03.2005
		CA 2356682-A1	10.08.2000
		CA 2388689-A1	28.12.2000
		CA 2394768 C	10.03.2009
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		CA 2538996 C	16.10.2007
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		CA 2646458-A1	26.07.2001
		CA 2666429-A1	13.04.2000
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		EP 1109586 A2	27.06.2001
		EP 1109586 B1	10.11.2004
		EP 1109586 B2	21.10.2009
		EP 1119285 A1	01.08.2001
		EP 1148808 A1	31.10.2001
		EP 1191875 A1	03.04.2002
		EP 1250087 A1	23.10.2002
		EP 1413245 A2	28.04.2004
		EP 1413245 A3	27.10.2004
		EP 1473050 A1	03.11.2004
		EP 1473050 B1	09.12.2009
		EP 2106815 A2	07.10.2009
		JP 04-469504 B2	05.03.2010
		JP 2002-523149 A	30.07.2002
		JP 2002-526137 A	20.08.2002
		JP 2002-536038 A	29.10.2002
		JP 2003-502090 A	21.01.2003
		JP 2003-520091 A	02.07.2003
		JP 2009-291643 A	17.12.2009
		US 2002-0107476 A1	08.08.2002
		US 2003-0181851 A1	25.09.2003
		US 2003-0181852 A1	25.09.2003

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2009/064472

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
		US 2003-0187525 A1	02.10.2003
		US 2003-0191431 A1	09.10.2003
		US 2003-0195462 A1	16.10.2003
		US 2003-0212364 A1	13.11.2003
		US 2004-0073095 A1	15.04.2004
		US 2004-0263354 A1	30.12.2004
		US 2005-0171513 A1	04.08.2005
		US 2006-0001550 A1	05.01.2006
		US 2006-0007017 A1	12.01.2006
		US 2006-0202859 A1	14.09.2006
		US 2007-0156033 A1	05.07.2007
		US 2008-0030369 A1	07.02.2008
		US 2008-0033357 A1	07.02.2008
		US 2008-0147004 A1	19.06.2008
		US 2008-0147050 A1	19.06.2008
		US 6248067 B1	19.06.2001
		US 6551276 B1	22.04.2003
		US 6554798 B1	29.04.2003
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		US 6641533 B2	04.11.2003
		US 6809653 B1	26.10.2004
		US 6872200 B2	29.03.2005
		US 6936029 B2	30.08.2005
		US 6979326 B2	27.12.2005
		US 6997920 B2	14.02.2006
		US 7025743 B2	11.04.2006
		US 7098803 B2	29.08.2006
		US 7109878 B2	19.09.2006
		US 7324012 B2	29.01.2008
		US 7602310 B2	13.10.2009
		WO 00-10628 A2	02.03.2000
		WO 00-10628 A3	02.03.2000
		WO 00-19887 A1	13.04.2000
		WO 00-45696 A1	10.08.2000
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US 2005-0277912 A1	15.12.2005	US 2006-204532 A1	14.09.2006
		WO 2005-007223 A2	27.01.2005
		WO 2005-007223 A3	22.09.2005

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
FIELD BRET

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

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**29 JULY 2010 (29.07.2010)**
Applicant's or agent's file reference PRTS-126WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/064472	**13 NOVEMBER 2009 (13.11.2009)**	13 NOVEMBER 2008 (13.11.2008)

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

A61M 31/00(2006.01)i, A61M 37/00(2006.01)i

Applicant

PROTEUS BIOMEDICAL, INC. et al

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

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [x] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(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	27 JULY 2010 (27.07.2010)	KANG, SANG YOON Telephone No.82-42-481-8651

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/064472

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/US2009/064472

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	1-12	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-12	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2008-0065168 A1 (OPHIR BITTON et al.) 13 March 2008
D2: US 2003-0167000 A1 (TARUN MULLICK et al.) 04 September 2003
D3: US 2002-0002326 A1 (JAMES D. CAUSEY et al.) 03 January 2002
D4: US 2005-0277912 A1 (SASHA JOHN) 15 December 2005

1. Novelty and Inventive Step

1.1 Claims 1-7

The subject matter of claim 1 differs from these prior art documents in that a system for providing to a therapeutic device comprising an output module of ingestible unit providing the effector instruction to the output module upon activation in response to occurrence of a desired event. And it is not obvious to a skilled person in the art by the documents, take alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claim 2-7 are dependent on claim 1 and as such also meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 8

The subject matter of claim 8 differs from these prior art documents in that a method for providing instruction to a therapy unit using an ingestible device comprises the step of activating the ingestible device upon reaching a target site, wherein the target site is characterized by the presence of conducting fluid. And it is not obvious to a skilled person in the art by the documents, take alone or in combination. Therefore, claim 8 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.9 Claims 9-12

The subject matter of claim 9 differs from these prior art documents in that a system for controlling therapy delivery comprises an ionic emission unit positioned within the capsule for producing a current flow through ionic emission, and a conductance control

Continued on Supplemental Box

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/064472

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The terms "hardware component" and "software component" written in claim 7 is vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject matter of said claim unclear (PCT Article 6).

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V

module positioned between the pair of materials and electrically coupled for controlling conductance to produce a unique current signature that carries an effector instruction. And it is not obvious to a skilled person in the art by the documents, take alone or in combination. Therefore, claim 9 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claim 10-12 are dependent on claim 9 and as such also meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-12 are industrially applicable under PCT Article 33(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,111	12/17/2009	Mark Zdeblick	PRTS-126 (PRO-108)	8531

61487 7590 10/08/2010

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
3767	

MAIL DATE	DELIVERY MODE
10/08/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:	
ZDEBLICK, MARK et al	:	DECISION ON REQUEST TO
Application No. 12/665,111	:	PARTICIPATE IN PATENT
Filed: Dec. 17, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PRTS-126 (PRO-108)	:	PROGRAM AND PETITION
Title: INGESTIBLE THERAPY ACTIVATOR SYSTEM AND METHOD	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 17, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

Other inquiries concerning the examination or status of the application should be directed to Kevin Sirmons, the SPE of Art Unit 3767 and 571-272-3672 for Class 604/890 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

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

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

The petition is **granted.**

/Henry C. Yuen/

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

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/665,129	Filing date:	December 17, 2009
First Named Inventor:	Motoharu Saito		
Title of the Invention:	Nonaqueous Electrolyte Secondary Battery and Method of Forming Positive Electrode		

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

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

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

The corresponding PCT application number(s) is/are: JP 2008/001654

The international date of the corresponding PCT application(s) is/are: June 25, 2008

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

The claims in the present US Application are identical to the claims in the corresponding PCT Application.

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/665,129
First Named Inventor:	Motoharu Saito

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 17, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 17, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claims are the same.
2	2	Claims are the same.
3	3	Claims are the same.
4	4	Claims are the same.
5	5	Claims are the same.
6	6	Claims are the same.

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

Signature	Date April 15, 2011
Name (Print/Typed) Daniel A. Geselowitz, Ph.D.	Registration Number 42,573

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,129	12/17/2009	Motoharu Saito	090329	8704

23850 7590 06/06/2011

KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
4th Floor
WASHINGTON, DC 20005

EXAMINER	
BARCENA, CARLOS	

ART UNIT	PAPER NUMBER
1731	

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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Alexandria, VA 22313-1450
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JUN 6 2011

CT

In re application of	:	DECISION ON REQUEST TO
Motoharu Saito et al	:	PARTICIPATE IN PATENT
Serial No. 12/665,129	:	PROSECUTION HIGHWAY
Filed: December 17, 2009	:	PROGRAM AND
For: NONAQUEOUS SECONDARY	:	PETITION TO MAKE SPECIAL
BATTERY AND METHOD OF	:	UNDER 37 CFR 1.102(a)
FORMING POSITIVE ELECTRODE	:	

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

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/665,153	03/17/2010	Naofumi Yoshida	091619-0398	8855

23524 7590 03/02/2011

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
WU, XIAO MIN	
ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

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

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

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAIL

MAR 0 2 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
YOSHIDA, NAOFUMI et al :
Application No. 12/665,153 :
Filed: December 17, 2009 :
Attorney Docket No. 091619-0398 :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 14, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/665,179	12/17/2009	Satoshi Nishikawa	Q116450	9048

23373 7590 01/05/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
RADEMAKER, CLAIRE L	
ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
01/05/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 4, 2011 BC

In re application of Satoshi Nishikawa et al. Serial No. 12/665,179 Filed: December 17, 2009 For: SEPARATOR FOR NONAQUEOUS SECONDARY BATTERY, METHOD FOR PRODUCING THE SAME, AND NON-AQUEOUS SECONDARY BATTERY	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 14, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

(6) Applicant must submit:

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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SEP 30 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
NAKAO, SEIGO et al :
Application No. 12/665,260 :
Filed: December 17, 2009 :
Attorney Docket No. 733156.407USPC :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 27, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Pursuant to the "Notice regarding the Elimination of the Fee for Petitions To Make Special Filed Under the Patent Prosecution Highway (PPH) Programs" published in the Federal Register on

May 25, 2010 (75 Fed. Reg. 29312), the fee under 37 CFR 1.17(h) for the petition to make special under the Patent Prosecution Highway (PPH) programs has been eliminated. The application is being forwarded to the TC Tech Support staff to process a refund of $130.00. From there application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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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FULBRIGHT & JAWORSKI LLP
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Ouyang, et al.
Appl. No.: 12/665,289
International Filing Date: June 29, 2007
Title: Classified Processing Method For Event Message Of Information Household Applicances
Attorney Docket: 76015/P003US/10912451
Pub. No.: US 2010/0262665 A1
Pub. Date: October 14, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 18, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in claims 4 and 6, wherein the word "event content" should be deleted.

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

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b). The application was published with the preliminary amendment received on December 17, 2009 in accordance with 37 CFR 1.215.

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are

[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).

reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410 and 37 CFR 10.18.

Applicants' request for a corrected patent application publication on November 18, 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.

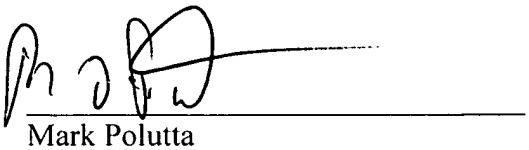
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

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.
12/665,295	12/17/2009	Naofumi Yoshida	091619-0397	1027

48329 7590 08/11/2011

FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
08/11/2011	PAPER

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

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

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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

In re Application of
YOSHIDA et al.
Application No.: 12/665,295
Filed: 17 December 2009
Attorney Docket No.: 091619-0397
For: IMAGE DISPLAY SYSTEM, IMAGE DISPLAY APPARATUS, IMAGE PROVIDING APPARATUS AND METHOD THEREOF

: 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 09 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

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

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

Lee W. Young
TQAS, Technology Center 2600

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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.
12/665,320	04/08/2010	Hiroshi Iwasaki	091619-0401	1265

23524 7590 11/23/2010

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
ART UNIT	PAPER NUMBER
2827	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

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

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of
Hiroshi IWASAKI
Application No.: 12/665,320
Filed: 08 April 2009
Attorney Docket No.: 091619-0401
For: SEMICONDUCTOR STORAGE DEVICE AND METHOD OF MANUFACTURING 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 10 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

Lee W. Young
TQAS
Technology Center 2800

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAIL

DEC 02 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
HAMAMURA, MASANORI, et al.
Application No. 12/665,322
Filed: March 25, 2010
Attorney Docket No. **091619-0396**

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

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

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/665,347	12/18/2009	Dion K. Aoki	247079-000563USPX	1485

70243 7590 09/23/2011

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

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
09/23/2011	PAPER

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

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

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

In re Application of	:	
AOKI, DION K. et al	:	DECISION ON REQUEST TO
Application No. 12/665,347	:	PARTICIPATE IN PATENT
Filed: Dec. 18, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 247079-000563USPX	:	PILOT PROGRAM AND PETITION
For: WAGERING GAME WITH PERSISTENT WILD SYMBOL REEL POSITIONS	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

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

The request and petition are Granted.

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

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

The request to participate in the PPH pilot program and petition comply with the above requirements. This is to acknowledge the receipt the foreign priority claim documents. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner, Peter Vo, Art Unit 3718 at 571-272-4690.

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

Petition is **granted**.

/Henry C. Yuen/

_____

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,352	03/29/2010	Yoshihisa Kishiyama	17401/241001	1522

22511 7590 01/11/2011

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER	
LEE, CHI HO A	
ART UNIT	**PAPER NUMBER**
2472	

NOTIFICATION DATE	DELIVERY MODE
01/11/2011	ELECTRONIC

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

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

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

docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: KISHIYAMA et al.
Application No. 12/665,352
Filed: March 29, 2010
For: BASE STATION APPARATUS, MOBILE STATION APPARATUS, AND METHOD OF TRANSMITTING SYNCHRONIZATION CHANNELS

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

MAILED

JAN 10 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

The petition is **GRANTED.**

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

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

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

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

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

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

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

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

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

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

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

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

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JAN 3 1 2011

PCT LEGAL ADMINISTRATION

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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
1 Becton Drive
MC 110
Franklin Lakes NJ 07417-1880

In re Application of :
DOERING et al :
Application No.: 12/665,379 :
PCT No.: PCT/US2008/068813 :
Int. Filing Date: 30 June 2008 : DECISION
Priority Date: 29 June 2007 :
Attorney Docket No.: P-8532 :
For: SERS NANOTAG ASSAYS WITH :
ENHANCED ASSAY KINETICS :

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 20 December 2010.

BACKGROUND

On 30 June 2008, applicants filed international application PCT/US2008/068813 which designated the United States and claimed a priority date of 29 June 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2009.

On 18 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 November 2010, applicants filed a submission including a declaration of inventors.

On 18 November 2010, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

08 July 2010 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in the last name of the second inventor between the published international application and the declaration of inventors.

On 20 December 2010, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Rebecca STOERMER GOLIGHTLY is a statement setting forth both names (Rebecca STOERMER and Rebecca STOERMER GOLIGHTLY) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 08 November 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

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

31 AUG 2010

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RANKIN, HILL & CLARK LLP
23755 LORAIN ROAD, SUITE 200
NORTH OLMSTED OH 44070

In re Application of	:	DECISION ON
Klabisch et al	:	
Application No.: 12/665,421	:	
PCT No.: PCT/EP2008/005196	:	
Int. Filing Date: 20 June 2008	:	PETITION
Priority Date: 02 July 2007	:	
Attorney Docket No.: SHEE 2 00117	:	
For: DRIVE STATION FOR AN...	:	
RECOVERY PLOUGHS	:	UNDER 37 CFR 1.182

This decision is in response to applicants' "LETTER," which is being treated as a petition under 37 CFR 1.182, filed on 29 June 2010 indicating that the executed declaration filed on 18 December 2009 contains the correct name of the fourth inventor's name, which is Gerhard SIEPENKORT. The petition fee under 37 CFR 1.182 of $400.00 has been charged to petitioner's Deposit Account No.: 18-0160.

BACKGROUND

On 18 December 2009, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, and an executed declaration.

On 18 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 29 June 2010, applicants submitted the current petition stating that the correct name of the fourth joint inventor is Gerhard SIEPENKORT as indicated in the submitted declaration, and not as published in the International application, Gerd SIEPENKORT.

DISCUSSION

The correct and formal name of the fourth joint-inventor is as filed in the executed declaration on 18 December 2009 as Gerhard SIEPENKORT, not as published in the international application. Accordingly, the correct name, Gerhard SIEPENKORT, now appears in the declaration as filed on 18 December 2009 to the USPTO.

As a result, this letter is a proper response to the Notification mailed on 18 May 2010.

For the reasons above, the application may enter into national stage processing at this time.

DECISION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED** that the correct name of the fourth joint-inventor is Gerhard SIEPENKORT.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,514	12/18/2009	Yashar Behzadi	PRTS-133 (PRO-114)	1616

61487 7590 10/28/2010

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
10/28/2010	PAPER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of
BEHZADI et al.
Application No.: 12/665,514
Filed: 18 December 2009
Attorney Docket No.: PRTS-133 (PRO-114)
For: OPTIMIAL DRIVE FREQUENCY SELECTION IN ELECTRICAL TOMOGRAPHY WINDOW AND MULTIMEDIA APPLICATIONS

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 29 July 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 have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

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

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

(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 containing the claim(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

(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 PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,522	04/29/2010	Kappei Tsukahara	30162/45183	1652

7590 11/17/2011

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

EXAMINER	
TONGUE, LAKIA J	
ART UNIT	PAPER NUMBER
1645	
NOTIFICATION DATE	DELIVERY MODE
11/17/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi James

Patent Publication Branch
Office of Data Management

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BRIDGESTONE AMERICAS, INC.
10 EAST FIRESTONE BLVD.
AKRON, OH 44317

MAILED

MAR 29 2012

OFFICE OF PETITIONS

In re Application of :
Terrence Hogan, et al. :
Application No.: 12/665,539 : ON PETITION
Filed: September 2, 2010 :
Attorney Docket No.: P06132US2A(P471) :

This is a decision on the petition, filed March 28, 2012, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

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 petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 12, 2012, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 1766 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: ARTHUR M. REGINELLI
RENNER, KENNER, GREIVE, BOBAK,
TAYLOR & WEBER
FOURTH FLOOR, FIRST NATIONAL TOWER
AKRON, OH 44308

[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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P.O BOX 1450
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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

MAILED
21 DEC 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Zhu et al	:	
Application No. 12/665,551	:	
PCT No.: PCT/US2008/008042	:	PETITION UNDER
Int. Filing Date: 27 June 2008	:	
Priority Date: 29 June 2007	:	
Attorney's Docket No.: CN06680US01	:	
For: GAMMA SECRETASE MODULATORS	:	37 CFR 1.137 (b)

This decision is in response to applicant's' "PETITION TO REVIVE UNDER 37 CFR 1.137(b) & SUBMISSION OF MISSING REQUIREMENTS UNDER 35 USC 371" filed on 26 October.

BACKGROUND

On 27 June 2008, this international application was filed, claiming an earliest priority date of 29 June 2007. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 29 December 2009.

On 18 December 2009, applicants filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 07 April 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date." The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 26 October 2010, applicants filed the instant petition under 37 CFR 1.137(b), an executed declaration, and a three month extension of time..

On 08 December 2006, the USPTO mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495 (Form PCT/DO/EO/903)," indicating that date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 26 October 2010, and a date of completion of all 35 USC 371 requirements is 26 October 2010.

DISCUSSION

A review of the application shows that applicants timely responded to the Notice mailed on 07 April 2010 as the response was filed on 26 October 2010. This was seven (7) months from the notice. Applicants were given two months to respond and under 37 CFR 1.136(a) may have bought up five (5) months of extension of time.

Since the executed was submitted within a timely response including the extension of time and applicants indicated that any fees determined to be due by this paper may be authorized to be charged. The USPTO will charge for four (4) months extension of time rather than three (3). As a result, the executed declaration was timely filed and no need of a petition for revival is required.

The $1,620.00 Petition fee has been refunded to Deposit Account No. 19-0365 since the petition is moot as the application has not been abandon. However, petitioner will be charged for a five (5) month extension fee of $2,350.00 rather than a four (4) month extension fee of $1620.00 of time.

DECISION

The petition filed on 37 CFR 1.137(b) is **MOOT** for the reasons stated above.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,562	12/18/2009	Tomohiro Yamada	03500.148197.	1947

5514 7590 06/01/2011

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
DINH, JACK	
ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
06/01/2011	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.

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	**: DECISION ON REQUEST TO**
YAMADA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/665,562	**: PROSECUTION HIGHWAY**
Filed: 18 December 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 03500.148197.	**: TO MAKE SPECIAL UNDER**
For: OPTICAL FILTER	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 April 2011, 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

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JUN 07 2011

PCT LEGAL ADMINISTRATION

MERCK
126 East Lincoln Ave
RY60-30
Rahway NJ 07065

In re Application of :
WU, Wen-Han, et al. :
U.S. Application No.: 12/665,580 :
PCT No.: PCT/US2008/008192 :
Int. Filing Date: 01 July 2008 : DECISION
Priority Date: 05 July 2007 :
Attorney Docket No.: CN06647US01 :
For: TETRAHYDROPYRANOCHROMENE GAMMA SECRETASE INHIBITORS :

This is a decision on the petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 04 April 2011.

BACKGROUND

On 18 December 2009, applicants filed a transmittal letter to the United States Designated/Elected Office accompanied by, *inter alia*, an authorization to charge any required fees to deposit account no. 19-0365.

On 20 April 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that additional page fees in the amount of $1350 were required.

On 19 May 2010, applicants filed a response to the Notification, that while not specifically addressing the $1350, authorized the Office to charge any additional required fees to deposit account no. 50-4205.

On 29 June 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that payment of $1350 was required.

On 08 July 2010, applicants paid the $1350 by charge to deposit account no. 50-4205.

On 09 March 2011, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to respond to the 29 June 2010 Notification.

On 04 April 2011, applicants filed this petition to withdraw the holding of abandonment.

DISCUSSION

Applicants responded to the Notification of Defective Response and paid the fees. This application should not have been held abandoned.

CONCLUSION

For the above reason, applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment(Form PCT/DO/EO/909) mailed 09 March 2011 is **VACATED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292

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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.
12/665,632	12/18/2009	Mark B. Gagner	247079-000726USPX	2415

70243 7590 09/18/2011

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

EXAMINER	
VO, PETER DUNG BA	
ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
09/18/2011	PAPER

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

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

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

In re Application of	:	
GAGNER, MARK B. ,et al.	:	DECISION ON REQUEST TO
Application No. 12/665,632	:	PARTICIPATE IN PATENT
Filed: December 18, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 247079-000726USPX	:	PROGRAM AND PETITION
For: GAMING SYSTEM HAVING GRAPHICAL FEATURE INTERFACE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

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

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Peter Vo, SPE of Art Unit 3718, and 571-272-4690 for Class 463 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,636	03/24/2010	Koji Nonaka	091619-0395	2445

23524 7590 01/13/2011

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
HARVEY, MINSUN OH	

ART UNIT	PAPER NUMBER
2828	

MAIL DATE	DELIVERY MODE
01/13/2011	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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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of
Koji NONAKA
Application No.: 12/665,636
Filed: 18 December 2009
Attorney Docket No.: 091619-0395
For: LASER PULSE GENERATING APPARATUS AND METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 07 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

b. Submit a claims correspondence table in English;

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

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

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

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

Conditions (1-2) 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. Specifically, JPO claim 18 is directed to an apparatus while US claim 38 is directed to a method. These claims do 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
TQAS Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,636	03/24/2010	Koji Nonaka	091619-0395	2445

23524 7590 04/26/2011

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
NGUYEN, TUAN N	

ART UNIT	PAPER NUMBER
2828	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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

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150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of
Koji NONAKA
Application No.: 12/665,636
Filed: 18 December 2009
Attorney Docket No.: 091619-0395
For: LASER PULSE GENERATING APPARATUS AND METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 07 December 2010 and renewed on 08 February 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

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DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE, ID 83701-0877

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of :
Steve REID :
Application No. 12/665,641 : NOTICE UNDER 37 CFR 1.28
Filed: December 18, 2009 :
Attorney Docket No. **PETR107NUS** :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-7253.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLME ROBERTS & OWEN LLP
1700 LINCOLN STREET
SUITE 4100
DENVER CO 80203

In re Application of	:
PHILP et al.	:
Application No.: 12/665,643	:
PCT App. No.: PCT/AU08/00884	:
Int'l Filing Date: 19 June 2008	:
Priority Date: 19 June 2007	: DECISION
Attorney Docket No.: 55639-10001	:
For: ASSET ACQUISITION, MANAGEMENT AND OCCUPATION SYSTEMS AND METHODS	:

This is in response to attorney's request to withdraw as attorneys of record, filed 22 June 2010, requesting permission to withdraw as agents of record in regard to 12/665,643.

As set forth in 37 CFR 1.36, a registered attorney or agent may withdraw, upon application to and approval by the Director, so long as sufficient time remains for applicant to respond to any pending action. In the present case, the request to withdraw filed 22 June 2010, is signed by Mark L. Yaskanin. However, it is noted that the Power of Attorney filed on 18 December 2009 in this application by the attorneys at Holme Roberts & Owens was not signed by an officer of the corporate applicant. Thus, no action is required to withdraw this application because the attorneys appear to be acting in a representative capacity.

For the reasons above, the request to withdraw as agents of record is **DISMISSED AS MOOT**.

To change the correspondence address, applicant is advised to review 37 CFR 1.33(b), where a declaration under 37 CFR 1.63 has been filed by any of the inventors.

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

Telephone: 571-272-3286
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,643	06/16/2010	Wendy Sylvia Philp	PC12737-PM45484	2479

97444 7590 01/10/2012

Polsinelli Shughart P.C.
One E. Washington Street
Suite 1200
Phoenix, AZ 85004

EXAMINER	
WEIS, SAMUEL	
ART UNIT	PAPER NUMBER
3695	

NOTIFICATION DATE	DELIVERY MODE
01/10/2012	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):

uspt@polsinelli.com

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Polsinelli Shughart P.C.
One E. Washington Street
Suite 1200
Phoenix AZ 85004

Applicant: Philp et al.
Appl. No.: 12/665,643
Filing Date: June 16, 2010
Title: ASSET ACQUISITION, MANAGEMENT AND OCCUPATION SYSTEMS AND METHODS
Attorney Docket No.: PC12737-PM45484
Pub. No.: US 2011/0145118 A1
Pub. Date: June 16, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 7, 2011, for the above-identified application.

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. Note also that the applicant must provide a **complete copy** of the documents that are to be included in the publication, including drawings and the fillable application data sheet. 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: 01/13/2012 KKING1
12/08/2011 INTEFSW 00008079 501662 12665643
01 FC:1504 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,653	10/15/2010	Eun Ju Lee	5097-0144PUS1	2575

2292 7590 11/10/2011

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

EXAMINER	
LEE, JAMES	

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
11/10/2011	ELECTRONIC

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

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mailroom@bskb.com

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Alexandria, VA 22313-1450
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NOV 10 2011

BC

In re application of	:	DECISION ON REQUEST TO
Eun Ju Lee et al.	:	PARTICIPATE IN PATENT
Serial No. 12/665,653	:	PROSECUTION HIGHWAY
Filed: December 18, 2009	:	PROGRAM AND
Attorney Docket No: 5097-0144PUS1	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 17, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 05 2010

PCT LEGAL ADMINISTRATION

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of
Robbins et al.
Application No. 12/665,676
PCT No.: PCT/US2008/008041
Int. Filing Date: 25 June 2008
Priority Date: 25 June 2007
Atty. Docket No.: 107788-0018-301
For: Methods Of Treating Multiple Myeloma And Resistant Cancers

DECISION

This is in response to request for withdrawal as attorney or agent filed on 02 September 2010.

BACKGROUND

This international application was filed on 25 June 2008, claimed an earliest priority date of 25 June 2007, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 28 December 2009 (since Friday, 25 December 2009 was a holiday). Applicant filed *inter alia* the basic national fee on 18 December 2009.

DISCUSSION

Counsel seeks withdrawal from the representation of the practitioners associated with Customer Number 28120, and cites 37 CFR 10.40(b)(4) as the reason for withdrawal.

Counsel certifies that "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," that "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," and that "I/We have notified the client of any responses that may be due and the time frame within which the client must respond."

The request was filed at a time when no response or action by applicants was due.

It appears that counsel is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. Under the policy described at 1329 OG 99, April 8, 2008, requests for withdrawal will not be approved where the practitioner has acted in a representative capacity rather than under a formal appointment as attorney or agent.

Based on the totality of the circumstances presented in this case, it would not be appropriate to grant counsel's request for withdrawal from the representation at this time.

DECISION

The request is **DISMISSED**, without prejudice.

No response is required. However, any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable pursuant to 37 CFR 1.136(a).

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

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

3 AUG 2010

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RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

In re Application of
KOBAYASHI et al.
Application No.: 12/665,713
PCT No.: PCT/JP08/61237
Int'l Filing Date: 19 June 2008
Priority Date: 19 June 2007
Attorney Docket No.: IWI-19572
For: RETROREFLECTIVE MEMBER PRODUCING IRIDESCENT REFLECTED LIGHT

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 30 June 2010. The $400 petition fee was paid.

On 19 December 2009, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/665,713. However the international application PCT/JP08/61237 as indicated on the electronic acknowledgement receipt differed from the PCT application number (PCT/JP08/58148) on the transmittal letter.

On 5 May 2010, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 30 June 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/JP08/**61237** on the national stage papers filed on 19 December 2009 is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing including identifying the present application **12/665,713** as the national stage of **PCT/JP08/61237**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286
Facsimile: (571)273-0459

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P.O. Box 1450
Alexandria, VA 22313-1450
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ADVANCED LIQUID LOGIC, INC.
C/O WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

MAILED
MAR 23 2012
PCT LEGAL ADMINISTRATION

In re Application of :
POLLACK et al :
Application No.: 12/665,788 : DECISION ON PETITION
Filing Date: June 23, 2008 : UNDER 37 CFR 1.78
Attorney Docket No.: 060885-00262.052PCT/US :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed February 2, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 119, 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the Application Data Sheet (ADS) filed concurrently with the petition.

A 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 37 CFR 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 Commissioner may require additional where there is a question whether the delay was unintentional.

With regard to item (i), a proper reference to the provisional applications has not been provided. Specifically, the ADS does not identify the application number which is the non provisional of the provisional applications.

Furthermore, intermediate application number 11/639,490 does not contain a proper reference to the provisional applications. As set forth in MPEP 201.11, Section III C, sometimes a pending application is one of a series of applications wherein the pending application is not copending with the first filed application but is copending with an intermediate application entitled to the benefit of the filing date of the first application. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---,

which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A. In the present case, intermediate application number 11/639,490 merely states that it is "related to" the provisional applications but does not state that it claims benefit under 35 U.S.C. 119(e) of the provisional applications. Accordingly, the present application will not be entitled to claim benefit of the provisional applications until the intermediate application is amended to contain a proper reference to the provisional applications.

It is further noted that the ADS lacks a proper signature and that any supplemental ADS must comply with 37 CFR 1.76(c)(2).

With regard to item (ii), the surcharge set forth in 37 CFR 1.17(t) has been submitted.

With regard to item (iii), the statement of unintentional delay contained in the petition differs slightly from the required language and is hereby construed as 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. If this interpretation is incorrect, applicant is required to immediately notify the Office. As construed, the statement of unintentional delay is acceptable.

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED** without prejudice.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration
571-272-3303

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

JUN 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DODDS, Gordon, et al. :
U.S. Application No.: 12/665,820 : DECISION
Receipt Date: 21 December 2009 :
Attorney Docket No.: DEP6027USPCT :
For: SURGICAL INSTRUMENT :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 21 December 2009, applicant filed a preliminary amendment indicating that this application was a "continuation of International Patent Application PCT/GB2008/002181 filed June 25, 2008," an application data sheet indicating this application is a national phase filing of PCT/US2008/002181 and electronic data indicating the application was a national phase entry under 35 USC 371 of PCT/US2008/002181.

On 25 April 2011, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating the application was a national phase entry attempt of PCT/US08/02181 and requesting claim fees, an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

As indicated in MPEP 1893.03(a), if there are any conflicting instructions as to whether the filing is under 35 USC 111(a) or 35 USC 371, the application will be accepted under 35 USC 111(a). MPEP 1893.03(a). "A conflicting instruction will be present, for example, where applicant ... includes a benefit claim under 35 U.S.C. 120 to the international application. Applications that have been processed under 35 U.S.C. 371 and later found by the examiner to contain conflicting instructions should be forwarded to the Office of PCT Legal Administration for resolution." Id.

As this application is not a national phase filing, the form PCT/DO/EO/905 should not have issued and is **VACATED**.

CONCLUSION

This application is being forwarded to the Office of Patent Application Processing for processing as a filing under 35 USC 111(a).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/665,829	12/21/2009	Harris Korn	78603-10	4185

35222 7590 11/15/2010

LANG MICHENER
BROOKFIELD PLACE, P.O. BOX 747
SUITE 2500, 181 BAY STREET
TORONTO, ON M5J 2T7
CANADA

EXAMINER	
NGUYEN, CUONG H	
ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
11/15/2010	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):

usptomail@langmichener.ca

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 12 2010

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LANG MICHENER
BROOKFIELD PLACE, P.O. BOX 747
SUITE 2500, 181 BAY STREET
TORONTO ON M5J 2T7 CA CANADA

In re application of Korn et al. Application No. 12/665,829 Filed: December 21, 2009 For: SYSTEM AND METHOD FOR LOCATING A VEHICLE	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

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

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the CIPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/10/10

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Na Xu
6312 Seven Corners Center #324
Falls Church VA 22044

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Hanmin Yang	:	
Application No. 12/665,867	:	DECISION ON PETITION
Filed: December 21, 2009	:	TO WITHDRAW
Attorney Docket No. 1051-0001	:	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 August 29, 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 Na Xu on behalf of all attorneys/agents of record. All attorneys/agents 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: Hanmin Yang
Room 25G, Jinghua Block
Jingfu Building, Futian District
Shenzhen, Guangdong
China

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
12/665,867	12/21/2009	Hanmin Yang	1051-0001

CONFIRMATION NO. 4486

92940
Na Xu
6312 Seven Corners Center #324
Falls Church, VA 22044

POWER OF ATTORNEY NOTICE

OC000000050291270

Date Mailed: 10/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/29/2011.

- 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

MAILED

OCT 19 2010

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of	:	
GIANCASPRO et al.	:	
Application No.: 12/665,869	:	DECISION
PCT No.: PCT/IB2008/001624	:	
Int. Filing Date: 20 June 2008	:	
Priority Date: 21 June 2007	:	
Attorney Docket No.: FSP0582	:	
For: ADAPTIVE MULTIFUNCTION MISSION SYSTEM	:	

This decision is in response to applicant's submission filed 30 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 June 2008, applicant filed international application PCT/IB2008/001624 which designated the U.S. and claimed a priority date of 21 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 December 2009

On 21 December 2009, applicant filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was not accompanied by the U.S. Basic National Fee.

Applicant filed a petition to revive under 37 CFR 1.137(b) on 30 March 2010. On 27 May 2010 applicant filed a petition to withdraw the petition under 37 CFR 1.137(b).

Applicant also filed a petition under 37 CFR 1.181 and a petition under 37 CFR 1.78(a) on 27 May 2010. On 30 August 2010, applicant filed a petition to withdraw the petitions under 37 CFR 1.181 and 37 CFR 1.78(a)(3).

On 30 August 2010, applicant filed a petition under 37 CFR 1.137(b) to revive the application, which was accompanied by the U.S. Basic National Fee.

DISCUSSION

The petitions indicated above which have been filed and withdrawn will not be acted upon.

Petition Under 37 CFR 1.137(b) filed 30 August 2010

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

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

As to item (1), applicant submitted the basic national fee on 30 August 2010.

As to item (2), applicant submitted the petition fee on 30 August 2010.

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

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

It is noted that no conflicting instructions were submitted upon initial entry into the national stage on 21 December 2009.

CONCLUSION

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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Commissioner for Patents
United States Patent and Trademark Office
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SMITH RISLEY TEMPEL SANTOS LLC
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ATLANTA GA 30346

MAILED
DEC 22 2011
PCT LEGAL ADMINISTRATION

In re Application of :
EPSHTEIN, Haim et al. :
Application No. : 12/665,916 : DECISION ON PETITION
Filed: 10 August 2011 : UNDER 37 C.F.R. § 1.78(a)(6)
ATTY Docket No.: 19071.1150 :

This is a decision on the petition under 37 C.F.R. § 1.78(a)(6), filed 10 August 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed United States provisional applications 61/095.,973 and 61/107,744.

The petition under 37 C.F.R. § 1.78(a)(6) is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 C.F.R. § 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 C.F.R. § 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 C.F.R. § 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 C.F.R. § 1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. § 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §119(e) and 37 C.F.R.§1.78(a)(5)(i) of the prior-filed provisional 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 C.F.R. §1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where the is a question whether the delay was unintentional.

The petition complies with the requirement for a grantable petition under 37 C.F.R. §1.78(a)(6) in that:

(1) a proper reference to the prior-filed application has been included in an amendment to the first sentence of the specification, as provided by 37 C.F.R. §1.78(a)(5)(ii);

(2) applicant has provided the required fee; and

(3) applicant has provided the required statement.

Accordingly, having found that the 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)(5), the renewed petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR § 1.78(a)(5) 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 application, all other requirements under 35 U.S.C. §§ 119(e) and 1.78 must be met. Similarly, the fact that the Filing Receipt, mailed 20 October 2011, includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Additionally, a corrected Filing Receipt, which includes the benefit claim to the prior-filed U.S. application 12/357,564 listed in the first paragraph of the specification, accompanies this decision on petition.

Any questions concerning this matter may be directed to Shane M. Thomas at (571) 272-4188. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3761 for appropriate action in due course, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Shane Thomas
Special Program Examiner
Office of PCT Legal Administration
Tel: (571) 272-4188

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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CARSTENS & CAHOON, LLP
13760 NOEL ROAD, SUITE 900
DALLAS TX 75240

MAILED

DEC 01 2010

PCT LEGAL ADMINISTRATION

In re Application of: RAMYA, K., et al.
U.S. Application No.: 12/665,924
PCT No.: PCT/IB2008/001602
International Filing Date: 19 June 2008
Priority Date: 20 June 2007
Attorney Docket No.: CKNSP.00002
For: PROCESS AND REACTOR SYSTEM FOR DEPOLYMERIZATION OF POLYMERIC BIOMASS

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.47" filed 23 September 2010. Applicants have paid the required petition fee.

BACKGROUND

On 19 June 2008, applicants filed international application PCT/IB2008/001602. The international application claimed a priority date of 20 June 2007, and it designated the United States. On 24 December 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 21 December 2009 (20 December 2009 was a Sunday).

On 21 December 2009, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the basic national fee.

On 07 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 23 September 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included a partially executed declaration and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the declaration without the signatures of non-signing co-inventors K. RAMYA, Prabhat GOEL, and Souyma SASMAL, whom applicants assert cannot be located.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or

declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition does not contain an express statement of the last known addresses of the non-signing inventors. Item (2) is therefore not satisfied.

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

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

Here, applicants have filed a declaration executed by three of the six inventors of record, and the declaration includes unsigned signature blocks for the non-signing inventors. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the non-signing inventor cannot be reached. MPEP section 409.03(d)(I) sets forth the requirements for a showing that a non-signing inventor cannot be located after diligent effort:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of Kalidindi Ravindra and accompanying documents provided here indicates that applicants forwarded documents to be executed via registered post to the inventors' addresses, as listed in company records, and that these letters were returned as undeliverable at such addresses. The statement also indicates that applicants unsuccessfully attempted to contact the inventors at the telephone numbers listed in company records. However, unsuccessful mailings and telephone calls to the inventors' former addresses, on their own, are not sufficient to demonstrate a diligent effort to locate the inventors. Applicants must provide a firsthand statement, with supporting documents, setting forth the details of additional efforts made to obtain current contact information for the non-signing inventors and contact them at such current addresses. Such efforts must include, but not be limited to, an internet search (with the results of

such search being made of record herein). Until such additional materials are provided, it cannot be concluded that the non-signing inventor cannot be located after diligent effort.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (2) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

/RichardMRoss/

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

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JUL 08 2011

PCT LEGAL ADMINISTRATION

CARSTENS & CAHOON, LLP
13760 NOEL ROAD, SUITE 900
DALLAS TX 75240

In re Application of: RAMYA, K., et al.
U.S. Application No.: 12/665,924
PCT No.: PCT/IB2008/001602
International Filing Date: 19 June 2008
Priority Date: 20 June 2007
Attorney Docket No.: CKNSP.00002
For: PROCESS AND REACTOR SYSTEM FOR DEPOLYMERIZATION OF POLYMERIC BIOMASS

DECISION ON RENEWED PETITION
(37 CFR 1.47(a))

In a decision mailed by this Office on 01 December 2011, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signatures of co-inventors K. RAMYA, Prabhat GOEL, and Souyma SASMAL was dismissed without prejudice. The decision indicated that applicants' had not satisfied all the requirements of a grantable petition.

On 01 July 2011, applicants filed the "Renewed Petition Under 37 CFR § 1.47(a)" considered herein (with required five-month extension fee). The submission included a declaration executed by all six of the inventors of record, including the three previously non-signing inventors who were the subject of the petition under 37 CFR 1.47(a). This declaration is acceptable in compliance with 37 CFR 1.497(a) and (b).

Based on the above, applicants have now submitted an executed declaration in compliance with 37 CFR 1.497(a) and (b) from each of the inventors of record. Accordingly, applicants' petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is appropriately **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 July 2011.

/RichardMRoss/

Richard M. Ross
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Telephone: (571) 272-3296

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Parks IP Law LLC
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SUITE E402
ATLANTA GA 30338

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
Housh Rahimzadeh :
Application No. 12/665,958 : DECISION ON PETITION
Effective Date: December 20, 2009 :
Attorney Docket No. 0403-013US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)). A Notice of Abandonment was mailed September 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 Basic National Fee, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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BOSTON MA 02110

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JAN 19 2011

OFFICE OF PETITIONS

In re Application of

CHEMTOB, Sylvain et al.
Application No. 12/666,028
Filed: April 08, 2010
Attorney Docket No. **2008693-0029**

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 17, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the 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

cc: **GOUDREAU GAGE DUBUC**
2000 MCGILL COLLEGE
SUITE 2200
MONTREAL, CANADA H3A 3-H3

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SEP 3 0 2011

PCT LEGAL ADMINISTRATION

Miltons IP/p.i.
2255 Carling Avenue
Suite 203
Ottawa ON K2B 7Z5
CANADA

In re Application of :
HARRIS et al. :
Application No.: 12/666,029 : DECISION
PCT No.: PCT/CA2008/001159 :
Int. Filing Date: 23 June 2008 :
Priority Date: 22 June 2007 :
Attorney Docket No.: 2521-80-14 :
For: METHOD FOR RECOVERING NITRIC ACID :
AND PURIFYING SILVER NITRATE ELECTROLYTE :

This is a decision on applicants' submission filed 10 February 2011 which includes a petition to revive under 37 CFR 1.137(b) and a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 23 June 2008, applicants filed international application PCT/CA2008/001159, which designated the United States and claimed a priority date of 22 June 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 31 December 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 December 2009.

On 22 December 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 07 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 08 June 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, and a declaration of facts by Jonathan Lestage with documents in support thereof.

On 19 July 2010, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a). The decision set a two-month extendable time period for reply.

On 24 November 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 07 April 2010.

On 10 February 2011, applicants filed the instant petition under 37 CFR 1.137(b) and the instant renewed petition under 37 CFR 1.47(a). The renewed petition was accompanied by a statement of facts by Neil Milton with documentation in support thereof.

DISCUSSION

Petition Under 37 CFR 1.137(b)

The NOTIFICATION OF ABANDONMENT issued 24 November 2010 was in error and is hereby VACATED. As noted above, the decision issued 19 July 2010 set a two-month extendable time period for reply with extensions of time of up to five months being available. Accordingly, the response filed 20 February 2011 is within the response period with a petition/fee for a five-month extension of time. Thus, the petition under 37 CFR 1.137(b) is MOOT. The petition fee has been credited to Deposit Account 50-3035 and a five-month extension of time fee has been charged to that same Deposit Account.

Petition Under 37 CFR 1.47(a)

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

As noted in the decision issued 19 July 2010, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. It has been established that non-signing inventors Bryn HARRIS and Carl WHITE have been presented with the application papers. The conduct of each of these inventors constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **DISMISSED** as **MOOT**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 24 November 2010 is VACATED.

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **08 June 2010**.

/Daniel Stemmer/

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PCT LEGAL ADMINISTRATION

Mr. Carl White
1990 Douglas Boulevard
Gaspe, QC J9J 1J6
CANADA

In re Application of
HARRIS et al.
Application No.: 12/666,029
PCT No.: PCT/CA2008/001159
Int. Filing Date: 23 June 2008
Priority Date: 22 June 2007
Attorney Docket No.: 2521-80-14
For: METHOD FOR RECOVERING NITRIC ACID AND PURIFYING SILVER NITRATE ELECTROLYTE

Dear Mr. White:

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

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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PCT LEGAL ADMINISTRATION

Dr. Bryn Harris
3670 St. Famille
Montreal, QC H2X 2L4
CANADA

In re Application of
HARRIS et al.
Application No.: 12/666,029
PCT No.: PCT/CA2008/001159
Int. Filing Date: 23 June 2008
Priority Date: 22 June 2007
Attorney Docket No.: 2521-80-14
For: METHOD FOR RECOVERING NITRIC ACID AND PURIFYING SILVER NITRATE ELECTROLYTE

Dear Dr. Harris:

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

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

/Daniel Stemmer/

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

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MAR 24 2011

PCT LEGAL ADMINISTRATION

FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO IL 60654-5313

In re Application of :
BURKI, Jerome Alexandre, et al. :
Application No.: 12/666,090 :
PCT No.: PCT/US2008/068224 :
Int. Filing Date: 25 June 2008 : NOTIFICATION
Priority Date: 27 June 2007 :
Attorney Docket No.: 046434-0150 :
For: A NANOSCALE VARIABLE :
RESISTOR/ELECTROMECHANICAL :
TRANSISTOR :

This decision is in response to applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 20 January 2011.

BACKGROUND

On 22 December 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers identified the filing as a national phase entry of PCT/US2008/068224, while electronic data identified the filing as a national phase entry of PCT/US2008/066224.

On 27 December 2010, the Office mailed a Notification informing applicant that they had identified two international applications and that a petition under 37 CFR 1.182 was required to correct the error.

On 20 January 2011, applicants filed this petition under 37 CFR 1.182.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/US2008/068224. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/US2008/068224.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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:	12/666,102	Filing date:	08/19/2010
First Named Inventor:	Agger, Else Marie		
Title of the Invention:	The Use of Monomycolyl Glycerol (MMG) as an Adjuvant		

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/DK2008/000239

The international filing date of the corresponding PCT application(s) is/are: June 26, 2008

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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.:	12/666,102
First Named Inventor:	Agger, Else Marie

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 27, 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 August 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
5, 6	2	The claim is of narrower scope than claim 18, which is the US method format of PCT use claim 2.
8	8	
9	9	
11 - 15	2	The claim is of narrower scope than claim 18, which is the US method format of PCT use claim 2.
17	2	The claim is of narrower scope than claim 18, which is the US method format of PCT use claim 2.
18	2	This claim is in US method format corresponding to PCT use claim 2
19 - 25	2	The claim is of narrower scope than claim 18, which is the US method format of PCT use claim 2.
26 - 27	8	The claim is of narrower scope than claim 8

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

Signature /RJD/	Date September 9, 2011
Name (Print/Typed) Robert J. Duminiak	Registration Number 51,636

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONATHAN P. O'BRIEN, PH.D
HONIGMAN MILLER SCHWARTZ AND COHN LLP
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SUITE 300
KALAMAZOO, MI 49007

MAILED
AUG 18 2011
OFFICE OF PETITIONS

Applicant: Iiow, et al.
Appl. No.: 12/666,103
International Filing Date: June 27, 2008
Title: A METHOD AND SYSTEM FOR REDUCING THE PEAK-TO-AVERAGE POWER RATIO
Attorney Docket: 223274-129125
Pub. No.: US 2010/0226449 A1
Pub. Date: September 9, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 8, 2010 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in dependent claim 14, wherein the transitional phrase "com prises" was misprinted as "corn prises".

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

The error noted by requestor with respect to the transitional phrase wherein "com prises" was misprinted as "corn prises" is not a material Office error in accordance with 37 CFR 1.221(b). This is clearly a typographical error, thus one of ordinary skill in the art would clearly understand the nature of the typographical error. This error therefore does not affect the public's

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

ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

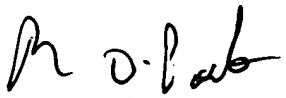
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

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

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

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



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

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United States Patent and Trademark Office
P.O. Box 1450
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OCT 26 2010

PCT LEGAL ADMINISTRATION

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of:
BERTHE, Benoit., et al.
U.S. Application No.: 12/666,114
PCT No.: PCT/IB2008/001583
International Filing Date: 18 June 2008
Priority Date: 27 June 2007
Attorney Docket No.: 30921USUS
For: MACHINE FOR PERSONALISING SMART CARDS AT HIGH RATE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47" filed 01 September 2010. Deposit Account No. 50-3478 will be charged the required $200 petition fee.

BACKGROUND

On 18 June 2008, applicants filed international application PCT/IB2008/001583. The international application claimed a priority date of 27 June 2007, and it designated the United States. On 31 December 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 27 December 2009.

On 22 December 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 16 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 01 September 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The Response included payment of the required surcharge, a declaration executed by one of the two inventors of record, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of non-signing co-inventor Sarah SUZANNE, whom applicants assert has refused to execute the application.

DISCUSSION

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

Applicants here have authorized a charge to Deposit Account No. 50-3478 for required fees. Pursuant to this authorization, the Deposit Account will be charged the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition includes an express statement of the last known address of the non-signing inventor. Item (2) is therefore satisfied.

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

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

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

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

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

Here, applicants have provided copies of correspondence (with English translations) between French attorney Angela Barr and the non-signing inventor. These materials support applicants' claim that the inventor has refused to execute the application; however, applicants have not provided a statement of facts from the person who actually forwarded the signature request and accompanying materials to the non-signing inventor (i.e., Angela Barr) providing the required firsthand confirmation of the correspondence and the enclosures included therewith. Until applicants provide such a confirming firsthand statement, item (4) of a grantable petition is not satisfied.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FEB 09 2011

PCT LEGAL ADMINISTRATION

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of:
BERTHE, Benoit., et al.
U.S. Application No.: 12/666,114
PCT No.: PCT/IB2008/001583
International Filing Date: 18 June 2008
Priority Date: 27 June 2007
Attorney Docket No.: 30921USUS
For: MACHINE FOR PERSONALISING SMART CARDS AT HIGH RATE

DECISION ON RENEWED PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 15 December 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 26 October 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort.

On 15 December 2010, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition was accompanied by a statement from Ms. Angela Barr, with accompanying documents, providing firsthand confirmation that a request for signature, accompanied by a copy of the complete application, was forwarded to the non-signing inventor and that the inventor responded to such request with a letter confirming receipt of the request but demanding payment before she would cooperate. The statement also confirms that the inventor has not subsequently provided the requested signed declaration.

The materials submitted with the renewed petition, in combination with those filed with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

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

The application is accepted without the signature of non-signing co-inventor Sarah SUZANNE.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 September 2010.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Sarah SUZANNE
Chemin Moulin
14250 Chouain
FRANCE

MAILED
FEB 09 2011
PCT LEGAL ADMINISTRATION

In re Application of: BERTHE, Benoit., et al.
U.S. Application No.: 12/666,114
PCT No.: PCT/IB2008/001583
International Filing Date: 18 June 2008
Priority Date: 27 June 2007
Attorney Docket No.: 30921USUS
For: MACHINE FOR PERSONALISING SMART CARDS AT HIGH RATE

Dear Ms. SUZANNE:

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

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

/RichardMRoss/

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

Counsel Of Record:
James A. Larson
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
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FEB 25 2011

PCT LEGAL ADMINISTRATION

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of	:	
BERTHE, Benoit, et al.	:	
Application No.: 12/666,140	:	DECISION
PCT No.: PCT/IB2008/001647	:	
Int. Filing Date: 24 June 2008	:	ON PETITION UNDER
Priority Date: 27 June 2007	:	
Docket No.: 20281.0006USWO	:	37 CFR 1.47(a)
For: MACHINE FOR PERSONALISING CHIP CARDS AT A HIGH PROCESSING RATE	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 08 September 2010.

BACKGROUND

On 30 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 10 September 2010, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration and the fee for a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been met. The balance of the $200 petition fee will be charged to deposit account no. 50-3478, as authorized. A complete copy of the application papers were sent to the inventor and she is refusing to cooperate. Applicant states the last known address of inventor Sarah Suzanne as Chemin Moulin, 14250 Chouain, France. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **08 September 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 25 2011

PCT LEGAL ADMINISTRATION

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

Sarah Suzanne
Chemin Moulin
14250 Chouain
France

In re Application of
BERTHE, Benoit, et al.
Application No.: 12/666,140
PCT No.: PCT/IB2008/001647
Int. Filing Date: 24 June 2008
Priority Date: 27 June 2007
Docket No.: 20281.0006USWO
For: MACHINE FOR PERSONALISING CHIP CARDS AT A HIGH PROCESSING RATE

Dear Ms. Suzanne:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PISCATAWAY NJ 08855

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 08 2010

PCT LEGAL ADMINISTRATION

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:	DECISION
VAN LITH et al.	:	
Application No.: 12/666,149	:	
PCT No.: PCT/NL2008/050403	:	
Int. Filing Date: 20 June 2008	:	
Priority Date: 22 June 2007	:	
Attorney Docket No.: SYV0101PUSA	:	
For: METHOD AND DEVICE FOR TREATING PLANT SEEDS	:	

This decision is in response to applicants' "REQUEST TO CORRECT INVENTORSHIP" filed 16 March 2010, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 20 June 2008, applicants filed international application PCT/NL2008/050403 which designated the U.S. and claimed a priority date of 22 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 31 December 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 December 2009.

On 22 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 16 March 2010, applicants submitted a declaration of inventors and the instant petition under 37 CFR 1.497(d) requesting that an inventor be added. The petition was accompanied by a statement from Jose Trias Vila, a consent of assignee statement, and a statement under 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in Sec. 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and

(4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 16 March 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Wilhelmus Antonius Maria VAN LITH, Barthelomeus Johannes Theodorus SMIT, and Jose TRIAS VILA.
as inventors.

/Daniel Stemmer/

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

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Attorney Docket No.: 1163-0771PUS1

Application No:	12/666,195	Filing date:	December 22, 2009
First Named Inventor:	Masatoshi UEDA		
Title of the Invention:	SOLENOID VALVE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/001374

The international date of the corresponding PCT application(s) is/are: May 30, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/666,195
First Named Inventor:	Masatoshi UEDA et al.

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 22, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 22, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	US Claim 1 sufficiently corresponds to JP Claim 1
Claim 2	Claim 2	US Claim 2 sufficiently corresponds to JP Claim 2
Claim 3	Claim 3	US Claim 3 sufficiently corresponds to JP Claim 3
Claim 4	Claim 4	US Claim 4 sufficiently corresponds to JP Claim 4
Claim 5	Claim 5	US Claim 5 sufficiently corresponds to JP Claim 5

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

Signature [signature] 48912	Date November 22, 2010
Name (Print/Typed) Michael K. Mutter	Registration Number 29680

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference 567476WO01	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/001374	30.05.2008	28.09.2007

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

Applicant
Mitsubishi Electric Corporation

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

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/001374

Box No. I Basis of this opinion

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

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

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

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

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/001374

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

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-5 is neither described in any of the documents cited in the ISR nor would it be obvious to a person skilled in the art.

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.
12/666,195	12/22/2009	Masatoshi Ueda	1163-0771PUS1	7397

2292 7590 11/26/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
BASTIANELLI, JOHN	

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
11/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
UEDA, MASATOSHI et al	:	DECISION ON REQUEST TO
Application No. 12/666,195	:	PARTICIPATE IN PATENT
Filed: Dec. 22, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 1163-0771PUS1	:	PROGRAM AND PETITION
For: SOLENOID VALVE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 22, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Stephen Hepperle, SPE of Art Unit 3753, and 571-272-4913 for Class 251/129.150 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

United States Patent and Trademark Office

02 AUG 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Han DingNan
Apartment 513, Unit 1, Building 22, Block 11
Heping Street, Chaoyang District
Beijing 10001-3
CHINA

In re Application of :
Han :
Application No.: 12/666,296 :
PCT No.: PCT/CN2009/000160 :
Int. Filing Date: 17 February 2009 :
Priority Date: 19 February 2008 :
Attorney Docket No.: N/A :
For: Multi-Point Touch Screen And :
Touch Detection Method :

This is in response to the correspondence filed on 21 May 2010, 26 May 2010 and 27 May 2010.

BACKGROUND

This international application was filed on 17 February 2009, claimed an earliest priority date of 19 February 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 27 August 2009. The 30 month time period for paying the basic national fee in the United States will expire at midnight on 19 August 2010. Applicant filed *inter alia* the basic national fee on 23 December 2009.

DISCUSSION

The letter filed on 21 May 2010 appears to request the issuance of a corrected filing receipt. However, the letter filed on 27 May 2010 indicates that "I just received the Corrected Filing Receipt which mailed date is 05/18/2010. So, the amendments which is faxed on 05/26/2010 is canceled." As such, it appears that applicant now regards the 21 May 2010 request for issuance of a corrected filing receipt as moot.

DECISION

The request is **REFUSED** as moot, without prejudice.

No response is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HAN DINGNAN
APARTMENT 513, UNIT 1, BUILDING 22, BLOCK 11
HEPING STREET, CHAOYANG DISTRICT
BEIJING 10001-3 CN CHINA

MAILED

AUG 11 2011

OFFICE OF PETITIONS

Applicant: Han Dingnan
Appl. No.: 12/666,296
International Filing Date: February 17, 2009
Title: MULTI-POINT TOUCH SCREEN AND TOUCH DETECTION METHOD
Attorney Docket: NONE
Pub. No.: US 2010/0277426 A1
Pub. Date: November 4, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 9, 2010 and November 12, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request submitted on November 9, 2010, is unsigned.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on November 9, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A 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
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27885
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

MAILED

JAN 05 2012

PCT LEGAL ADMINISTRATION

In re Application of :
ZIMMER *et al* :
U.S. Application No.: 12/666,305 :
PCT No.: PCT/US2008/068823 :
Int. Filing Date: 30 June 2008 : **DECISION**
Priority Date: 29 June 2007 :
Attorney Docket No.: CSAZ 200314US01 :
For: INNER GARNISH ASSEMBLY :
MODULE SYSTEM :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 November 2011 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee was submitted. This is considered an appropriate response to the Form PCT/DO/EO/905 mailed 15 September 2010. The petition fee of $1,860.00 has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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:	12/666,333	Filing date:	5/12/2010
First Named Inventor:	Jane C. Cheng		
Title of the Invention:	Process for Producing Sec-Butylbenzene		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2008/006073

The international filing date of the corresponding PCT application(s) is/are: July 11, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/666,333
First Named Inventor:	Jane C. Cheng

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 3/29/2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Each claim of the U.S. App. corresponds directly and consecutively to the PCT App.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jamie Sullivan/	Date 2/11/2011
Name (Print/Typed) Jamie Sullivan	Registration Number 59,165

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.
12/666,333	05/12/2010	Jane C. Cheng	2007EM227/2	8694

23455 7590 04/08/2011
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

EXAMINER	
WITHERSPOON, SIKARL A	
ART UNIT	PAPER NUMBER
1621	
MAIL DATE	DELIVERY MODE
04/08/2011	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
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR 0 8 2011

EXXON MOBILE CHEMICAL COMPANY
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

In re Application of	:	DECISION ON REQUEST TO
CHENG ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/666,333	:	PROSECUTION HIGHWAY
Filed: May 12, 2010	:	PROGRAM AND PETITION
Attorney Docket No. 2007EM227/2	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 11, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims or (iii) contains no priority claim;
(2) The EPO application(s) have at least one claim that was determined by the EPO to be allowable;
(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions (which are relevant to patentability) from each of the EPO application(s) containing the allowable claims that are the basis for the request;
(6) Applicant must submit a copy of the allowable claims from the EPO application(s);
(7) Applicant must submit a claim correspondence table in English; and

(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the EPO examiner in the EPO Office action or in the positive EESR (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition fails to comply with the requirement because:

Examination in the US application has already begun.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

MAILED
NOV 07 2011
OFFICE OF PETITIONS

Applicant: Robert Raja, et al.
Appl. No.: 12/666,343
International Filing Date: July 2, 2008
Title: AMMOXIMATION PROCESS
Attorney Docket No.: 007761.00001
Pub. No.: US 20100179317 a1
Pub. Date: July 15, 2010

This is a decision on the communication entitled "REQUEST FOR PUBLICATION OF CORRECT APPLICATION" received on April 27, 2011, for the above-identified application. This communication is being treated as a request under 37 CFR 1.221(b).

The request is DISMISSED.

Applicant requests that a corrected front page of the application be used when the instant application issues as a patent because the pre-grant publication lists only one of the two inventors' names, (Robert RAJA and John Meurig THOMAS).

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request is untimely, as it is not filed within two months of July 15, 2010, the date of the patent application publication.

Also, on April 7, 2010, a Filing Receipt was mailed by the Office, which incorrectly listed only one of the two inventors' names. On March 21, 2011, a Filing Receipt was mailed by the Office, which correctly identified both inventors' names. However, to avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a

[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).

corrected filing receipt **prior** to export of the application to the publisher and publication of the application.

For reference, applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
POPPE et al	:	
Application No.: 12/666,391	:	
PCT No.: PCT/EP2008/005336	:	
Int. Filing Date: 30 June 2008	:	PETITION UNDER
Priority Date: 28 June 2007	:	
Attorney Docket No.: 051789348	:	
For: METHOD OF GENERATING GLUCOSE-RESPONSIVE CELLS	:	37 CFR 1.182

This decision is in response to petitioner's filing on 22 July 2010, which is being treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has not been provided.

BACKGROUND

On 03 December 2009, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee.

An executed declaration was filed on 08 March 2010. In the declaration section pertaining to the name of the first co-inventor has been amended to Monika POPPE-WAGNER; this name did not appear in the international application, which the name that appeared is Monika POPPE. In addition, the declaration has been signed by "Monika POPPE-WAGNER."

On 26 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 22 July 2010, applicants submitted a copy of the executed declaration filed on 08 March 2010, and a copy of the marriage certificate of Ms. Poppe.

On 08 September 2010, the DO/EO/US mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which indicated a date of receipt of 35 USC 371(c)(1), (c)(2), and (c)(4) requirements as 07/22/2010 and 07/22/2010 date of completion of all 35 USC 371 requirements.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The submission has not satisfied items (1) and (2).

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), an affidavit has not been provided signed under Monika POPPE-WAGNER setting forth the procedure whereby the change of name was effected from Monika POPPE to Monika POPPE-WAGNER. Therefore, item (2) has been satisfied.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

A proper response to the Notice must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOLF GREENFIELD & SACKS. P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

SEP 08 2011

OFFICE OF PETITIONS

Applicant: Heffernan, et al.
Appl. No.: 12/666,442
International Filing Date: June 27, 2008
Title: COMPOSITION AND METHOD FOR TREATMENGT OF AUTOIMMUNE DISEASE
Attorney Docket: O0294.70000US01
Pub. No.: US 2010/0247527 A1
Pub. Date: September 30, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 18, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in claim 38, wherein the word "blocker" was misprinted as "blacker".

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 material mistake in the publication made by the Office under 37 CFR 1.221(b). The error in published claim 38, wherein the word "blocker" was misprinted as "blacker" is clearly a typographical errors and not a material Office error. Thus, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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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).

Additionaly, the text is of a poor quality, which makes it difficult for the Examiner to read and for the Office to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

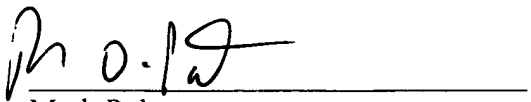
http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 10/17/2011
Patent No. : 7,922,251 B2
Serial No. : 12/666,443
Inventor(s) : Hayakawa et al.
Issue Date : April 12, 2011
Title : **VEHICLE SEATSVEHICLE SEATS**
Doc./File No. : **P37670**

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(s) in your request, inspection of the file of the application for the patent reveals that the error in claim 1, is/are printed in accordance with the record in the Patent and Trademark Office, as passed to issued by the examiner in the notice of allowance dated 12/23/10, no further request were entered into record. There being no fault on the part of the Patent and Trademark Office, it has no authority to issue a certificate of correction under the provision of 1.322. Therefore, no correction is in order here.

In view of the foregoing, your request in this matter is 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 accompanied by the appropriate fee of $100.00.

Ernest C. White, *LIE* (571) 572-3385
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

ECW

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: 1750 US	Application Number (if known): 12666444	Filing date: 2010-06-03
First Named Inventor: Jullian Elaine Collier		
Title: Non-Zeolite Base Metal SCR Catalyst		

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 of Special Status and Preliminary Amendment

Signature /Stephen J. Driscoll/	Date 02/18/2011
Name (Print/Typed) Stephen J. Driscoll	Registration Number 37564

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

[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.

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.
12/666,444	06/03/2010	Jillian Elaine Collier	AA 1750 US	9407

23122 7590 03/16/2011
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER	
VANOY, TIMOTHY C	
ART UNIT	PAPER NUMBER
1734	

MAIL DATE	DELIVERY MODE
03/16/2011	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
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3/16/2011

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
Collier et al.	:	DECISION ON PETITION
Application No. 12/666,444	:	TO MAKE SPECIAL UNDER
Filed: 12/23/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **AA 1750 US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/18/2011, 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 **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1734 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/666,474	12/23/2009	Rory McCrae Tulloch	237981	9678

52082 7590 08/06/2010

General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484

EXAMINER	
HARCOURT, BRAD	

ART UNIT	PAPER NUMBER
3676	

NOTIFICATION DATE	DELIVERY MODE
08/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com
allyson.carnaroli@ge.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG - 5 2010

General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton CT 06484

In re application of
Tullock et al.
Application No. 12/666,474
Filed: December 23, 2009
For: VERTICAL DIRECTION ADJSTMENT TOOL FOR DOWNHOLE DRILLING APPARATUS

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 14 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(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 preliminary amendment filed June 14 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 8/410

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of
ADIRAJU et al.
Application No.: 12/666,484
Filed: October 7, 2010
Attorney Docket No.: 247079-000558USPX
For: WAGERING GAME WITH MULTIPLE EPISODE-BASED BONUS GAMES

: 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 on 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 program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) All 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 IPAU application(s); and

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all of the Office actions from each of the IPAU application(s);

(6) Applicant must submit:

a. An IDS listing the documents cited by the IPAU examiner in the IPAU Office action(s) (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 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 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.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER, SUITE 400
106 SOUTH MAIN STREET
AKRON OH 44308-1412

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re Application of:
FRANZ, Thoralt, et al.
U.S. Application No.: 12/666,544
PCT No.: PCT//EP2008/055568
International Filing Date: 06 May 2008
Priority Date: 26 June 2007
Attorney Docket No.: TEZ.P.US0007
For: METHOD AND DATA CARRIER FOR STORING AND READING A DATA CODE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.47(a)" filed 30 July 2010. Applicants have paid the required petition fee.

BACKGROUND

On 06 May 2008, applicants filed international application PCT/EP2008/055568. The international application claimed a priority date of 26 June 2007, and it designated the United States. On 31 December 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 December 2009.

On 23 December 2009, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 30 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date was required.

On 30 July 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge, a partially executed declaration, and the "Petition Under 37 CFR § 1.47(a)" considered herein. The petition seeks acceptance of the application without the signature of non-signing co-inventor Sten MEINHOLD.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Applicants here have filed a four-page declaration document executed by two of the three inventors of record, and the declaration includes, as required, an unsigned signature block for the non-signing inventor, Sten MEINHOLD. However, the declaration document is not acceptable as filed because it appears to be a compilation of multiple documents. See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident from the inclusion of two different copies of the same signature page, each signed by a different inventor named thereon (only a single copy of the first two pages of the declaration was submitted). The declaration is also defective because it contains an unacceptable hand-written alteration with respect to the residence and address of inventor Thoralt FRANZ. Any changes made in ink in the application or declaration prior to signing should be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration (see MPEP 605.04(a)). Thus, a newly-executed declaration is required from inventor Thoralt FRANZ.

In view of the above, item (3) of a grantable petition is not satisfied. Applicants must provide copies of complete, acceptable declarations from the two cooperating inventors herein, with each such declaration including all information required under 37 CFR 1.497 and an unsigned signature block for non-signing inventor Sten MEINHOLD.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the

> inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the petition states that the pertinent facts regarding the inventor's refusal to sign are set forth in an accompanying statement by Dr. Gerhard Olbricht and Stefanie Bockelkamp; however, no such statement has been provided. Absent a firsthand statement describing the efforts made to obtain the signature of the non-signing inventor, it cannot be concluded that the inventor has refused to execute the application or cannot be located after diligent effort. Item (4) is therefore not satisfied on the present record.

Based on the above, applicants have not satisfied all the requirements of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (3) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

MAILED

MAR 09 2011

PCT LEGAL ADMINISTRATION

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

RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER, SUITE 400
106 SOUTH MAIN STREET
AKRON OH 44308-1412

In re Application of:	:	
FRANZ, Thoralt, et al.	:	DECISION
U.S. Application No.: 12/666,544	:	(37 CFR 1.47(a))
PCT No.: PCT/EP2008/055568	:	
International Filing Date: 06 May 2008	:	
Priority Date: 26 June 2007	:	
Attorney's Docket No.: TEZ.P.US0007	:	
For: METHOD AND DATA CARRIER FOR STORING AND READING A DATA CODE	:	

In a decision mailed by this Office on 21 October 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Sten MEINHOLD was dismissed without prejudice based on applicants' failure to satisfy the requirements of a grantable petition. The decision also noted that the declaration document filed by applicants was unacceptable because it appeared to be a compilation of multiple documents, and because the declaration page executed by co-inventor Thoralt FRANZ included a non-dated, non-initialed hand-written alteration.

On 11 January 2011, applicants filed the "Renewed Petition Under 37 CFR § 1.47(a)" considered herein (with required one-month extension fee).

The renewed petition was accompanied by a declaration executed by the previously non-signing inventor, Sten MEINHOLD. The renewed petition was also accompanied by complete copies of the declarations executed by the two other inventors of record, thereby resolving the compilation defect discussed in the earlier decision. It is noted that the declaration of Thoralt FRANZ has been re-executed and does not include any unacceptable hand-written alterations.

In view of applicants' submission of acceptable declarations executed by all of the inventors of record, including the previously non-signing inventor (Sten MEINHOLD) who was the subject of the petition under 37 CFR 1.47(a), applicants' petition under 37 CFR 1.47(a) is appropriately **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 January 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/666,556	03/01/2010	Dae-Sung Cheon	5038-093094	1255

28289 7590 01/12/2011

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER	
ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
01/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of
CHEON et al.
Application No.: 12/666,556
Filed: 01 March 2010
Attorney Docket No.: 5038-093094
For: METHOD FOR PREDICTING FAILURE OF GEOTECHNICAL STRUCTURES

: 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 14 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1 and 4-6 above are considered to have been met.
However the request to participate in the PPH program fails to meet requirements 2 and 3.

Regarding requirement 2, the translation of claims submitted appears to have annotations of additions and deletions. It is difficult to ascertain what part of the document is the accurate translation. A clean copy of the translation is required.

Regarding requirement 3, applicant as failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application. For example only, claims 1-4 of the instant application do not appear to correspond to allowed claims of the KIPO application since claims 1-4 of the KIPO application were cancelled. Another example is that limitations of KIPO claim 7 are not present in US claim 7.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/666,556	03/01/2010	Dae-Sung Cheon	5038-093094	1255

28289 7590 04/27/2011

THE WEBB LAW FIRM, P.C.
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436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER	
ART UNIT	PAPER NUMBER
2856	

NOTIFICATION DATE	DELIVERY MODE
04/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of
CHEON et al.
Application No.: 12/666,556
Filed: 01 March 2010
Attorney Docket No.: 5038-093094
For: METHOD FOR PREDICTING FAILURE OF GEOTECHNICAL STRUCTURES

: 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 14 December 2010 and renewed 11 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/666,568	12/23/2009	Daisuke Morimoto	1163-0772PUS1	1322

2292 7590 07/15/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
NGUYEN, HOA T	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
07/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	**: DECISION ON REQUEST TO**
MORIMOTO et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/666,568	**: PROSECUTION HIGHWAY**
Filed: 23 December 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0772PUS1	**: TO MAKE SPECIAL UNDER**
For: OPTICAL DISC DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 08 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

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83332
Jonathan P. O'Brien, Ph.D.
HONIGMAN MILLER SCHWARTZ AND COHN
350 East Michigan Avenue
Suite 300
Kalamazoo, MI 49007

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of
WICHER *et al*
Application No.: 12/666,575
PCT No.: PCT/JP2006/319612
Int. Filing Date: 20 June 2008
Priority Date: 28 June 2007
Attorney Docket No.: 223265-129629
For: PRE-IMPREGNATED PRODUCT

DECISION

This decision is in response to the "Request to Correct Filing Receipt" filed on 20 July 2010 which is treated as a petition under 37 CFR 1.181 and **GRANTED** as follows:

Applicants request that the name of the second inventor listed on the filing receipt mailed 01 July 2010 be corrected to Mirko STANDKE. The name of the inventor is currently recorded as Mirko Chem STANDKE.

A review of the international publication ("WO 2009/000769") shows that the name of the second inventor is recorded as Mirko STANDKE. However, applicants listed the inventor as "Dipl.-Chem. Mirko Standke" on the declaration filed 29 January 2010.

A Diplom is an academic degree in the German-speaking countries. Dipl. is short for Diplom and is, combined with the abbreviation of the study field. Thus, Dipl.-Chem. is an acronym for the title, Diploma in Chemistry. It is permissible for an applicant to use a title in connection with his or her signature. *See* MPEP § 605.04(e). The title should not be listed in the inventor's name on the filing receipt.

This application is being forwarded to the appropriate office to mail a corrected filing receipt listing the second inventor as Mirko STANDKE.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 21 2011

PCT LEGAL ADMINISTRATION

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

In re Application of :
WILSON, Ian Geoffrey :
Application No.: 12/666,580 :
PCT No.: PCT/AU2008/000935 :
Int. Filing Date: 27 June 2008 : DECISION
Priority Date: 27 June 2007 :
Attorney Docket No.: WDUMR-050US :
For: FOOD BLENDER SUBASSEMBLY :
AND METHOD :

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 20 April 2011.

BACKGROUND

On 04 April 2011, the Office mailed Notification, informing applicants that their national phase entry had identified multiple international applications and that a national phase entry is the national phase of only a single application. It required applicants to identify the correct international application and to furnish a petition under 37 CFR 1.182. It set a two month time period for response.

On 20 April 2011, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/AU2008/000935. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/AU2008/000935.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

JUN 30 2011

PCT LEGAL ADMINISTRATION

DIANA HOUSTON
SMITH & NEPHEW, INC.
1450 BROOKS ROAD
MEMPHIS TN 38116

In re Application of :
TURNER, et al. :
U.S. Application No.: 12/666,591 : DECISION ON PETITION
PCT No.: PCT/GB2008/002244 :
Int. Filing Date: 25 June 2008 :
Priority Date: 25 June 2007 :
For: MEDICAL ALIGNING DEVICE :

The petition to revive under 37 CFR 1.137(b) filed 27 May 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided an executed declaration of the inventors in response to the notice of missing requirements mailed 19 April 2010. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 25 June 2008 under 35 U.S.C. 363, and will be given a date of **27 May 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a notice of acceptance.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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:	12/666,625	Filing date:	12/23/2009
First Named Inventor:	Song Jin		
Title of the Invention:	Treatment and Prevention Systems for Acid Mine Drainage and Halogenated Contaminants		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/068396

The international date of the corresponding PCT application(s) is/are: June 26, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/666,625
First Named Inventor:	Song Jin

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 12/23/2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 12/23/2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6	1-6	Identical to PCT claims
10-25	10-25	Identical to PCT claims
30-42	30-42	Identical to PCT claims
46-54	46-54	Identical to PCT claims
59	59	Identical to PCT claim
117	117	Identical to PCT claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Nicole A. Ressue/	Date 2010-11-19
Name (Print/Typed) Nicole A. Ressue	Registration Number 48665

Serial Number: 12/666,625
Filing Date: 12/23/2009

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

Attachment for 1.a.
A copy of the International Preliminary Report on Patentability

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
NICOLE A. RESSUE
SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	26 FEB 2010

Applicant's or agent's file reference	IMPORTANT NOTIFICATION
WRI-SOURCETR-PCT	

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US08/68396	26 June 2008 (26.06.2008)	26 June 2007 (26.06.2007)

Applicant

UNIVERSITY OF WYOMING RESEARCH CORPORATION D/B/A WESTERN RESEARCH INSTITUTE

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide.*

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US	Authorized officer
Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	CHESTER T. BARRY Telephone No. 703-308-0651

Form PCT/IPEA/416 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WRI-SOURCETR-PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US08/68396	International filing date *(day/month/year)* 26 June 2008 (26.06.2008)	Priority date *(day/month/year)* 26 June 2007 (26.06.2007)

International Patent Classification (IPC) or national classification and IPC

IPC: **C02F 3/34**(2006.01),**1/00**(2006.01)
USPC: 210/150,170.09

Applicant

UNIVERSITY OF WYOMING RESEARCH CORPORATION D/B/A WESTERN RESEARCH INSTITUTE

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of 16 sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
10 June 2009 (10.06.2009)	12 February 2010 (12.02.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer CHESTER T. BARRY Telephone No. 703-308-0651

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/68396

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3(a) and 23.1(b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:
pages 1-3, 5 - 49 as originally filed/furnished
pages* 4 received by this Authority on 10 June 2009 (10.06.2009)
pages* NONE received by this Authority on

☒ the claims:
pages 50-66 and 69 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* 67 and 68 received by this Authority on 10 June 2009 (10.06.2009)
pages* NONE received by this Authority on

☒ the drawings:
pages NONE as originally filed/furnished
pages* 1-10 received by this Authority on 10 June 2009 (10.06.2009)
pages* NONE received by this Authority on

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages
☒ the claims, Nos. 126
☐ the drawings, sheets/figs
☐ the sequence listing (*specify*):
☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages
☐ the claims, Nos.
☐ the drawings, sheets/figs
☐ the sequence listing (*specify*):
☐ any table(s) related to the sequence listing (*specify*):

5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

** If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/68396

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-125,127-134	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-125,127-134	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-125,127-134	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1 – 125, 127 – 134 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest biologically constructing a protective biofilm over a plurality of acid mine drainage sources.

Claims 1 – 125, 127 – 134 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.

BRIEF DESCRIPTION OF THE DRAWINGS

Figures 1A, 1B, and 1C are examples of an electromagnetic induction survey showing resistivity changes of a treatment location site.

Figure 2 is an example of a protective biofilm in accordance with embodiments of the present invention.

Figure 3 is an example of a pie chart showing species frequency in a protective biofilm.

Figures 4A and 4B are examples of acid mine drainage generation source treatments and contaminated water environment treatments, respectively, in accordance with embodiments of the present invention.

Figures 5A through 5F show water quality parameters monitored in microcosms containing waste material as discussed in the Study #1 feasibility test.

Figures 6A and 6B show changes in pH in microcosms containing waste material as discussed in the Study #1 feasibility test. The dashed vertical line indicates when the microcosms containing substrate were re-dosed.

Figures 7A and 7B show changes in pH in microcosms containing waste material treated as discussed in the Study #1 feasibility test. The shaded bars indicate periods when the microcosms were dry.

Figure 8 shows changes in water pH during a test using various amendments with crushed waste rock.

Figure 9 shows TCE degradation in anaerobic microcosms containing TCE-contaminated groundwater.

114. An acid mine drainage treatment according to claim 59 and further comprising a metal precipitate in said acid mine drainage generation source.

115. An acid mine drainage treatment according to claim 59 and further comprising a reduced iron concentration in said acid mine drainage generation source.

116. An acid mine drainage treatment according to claim 63 wherein said surrounding environment comprises water.

117. A method of treating contaminated water comprising the steps of:
providing a contaminated water environment having contaminants;
injecting a returned milk packaged product into said contaminated water environment;
enhancing reductive degradation of said contaminated water environment with said returned milk;
supplying an electron source from said returned milk to at least one population of anaerobic bacteria in said contaminated water environment;
degrading said contaminants; and
providing a harmless end-product from said reductive degradation of said contaminants.

118. A method of treating contaminated water according to claim 117 wherein said contaminated water environment comprises an in-situ contaminated water environment.

119. A method of treating contaminated water according to claim 117 wherein said contaminated water environment comprises an ex-situ contaminated water environment.

120. A method of treating contaminated water according to claim 117 wherein said contaminants are selected from a group consisting of halogenated compounds,

oxidized metals, chlorinated alkenes, chlorinated alkanes, chlorinated aromatics, fluorinated alkenes, fluorinated alkanes, brominated alkenes, brominated alkanes, brominated aromatics, perchloroethene, trichloroethene, perchlorate, dichloroethylene, vinyl chloride, carbon tetrachloride, chlorobenzene, uranium, chromium, arsenate, and combinations thereof.

121. A method of treating contaminated water according to claim 117 wherein said step of injecting said returned milk into said contaminated water environment comprises the step of injecting liquid returned milk into said contaminated water environment.

122. A method of treating contaminated water according to claim 117 wherein said step of injecting said returned milk into said contaminated water environment comprises the step of injecting concentrated liquid returned milk into said contaminated water environment.

123. A method of treating contaminated water according to claim 117 wherein said returned milk comprises solid returned milk.

124. A method of treating contaminated water according to claim 123 wherein said solid returned milk comprises a dried product.

125. A method of treating contaminated water according to claim 123 wherein said solid returned milk comprises a freeze-dried product.

Claim 126. (Cancelled)

127. A method of treating contaminated water according to claim 117 and further comprising the step of injecting at least one additive into said contaminated water environment.

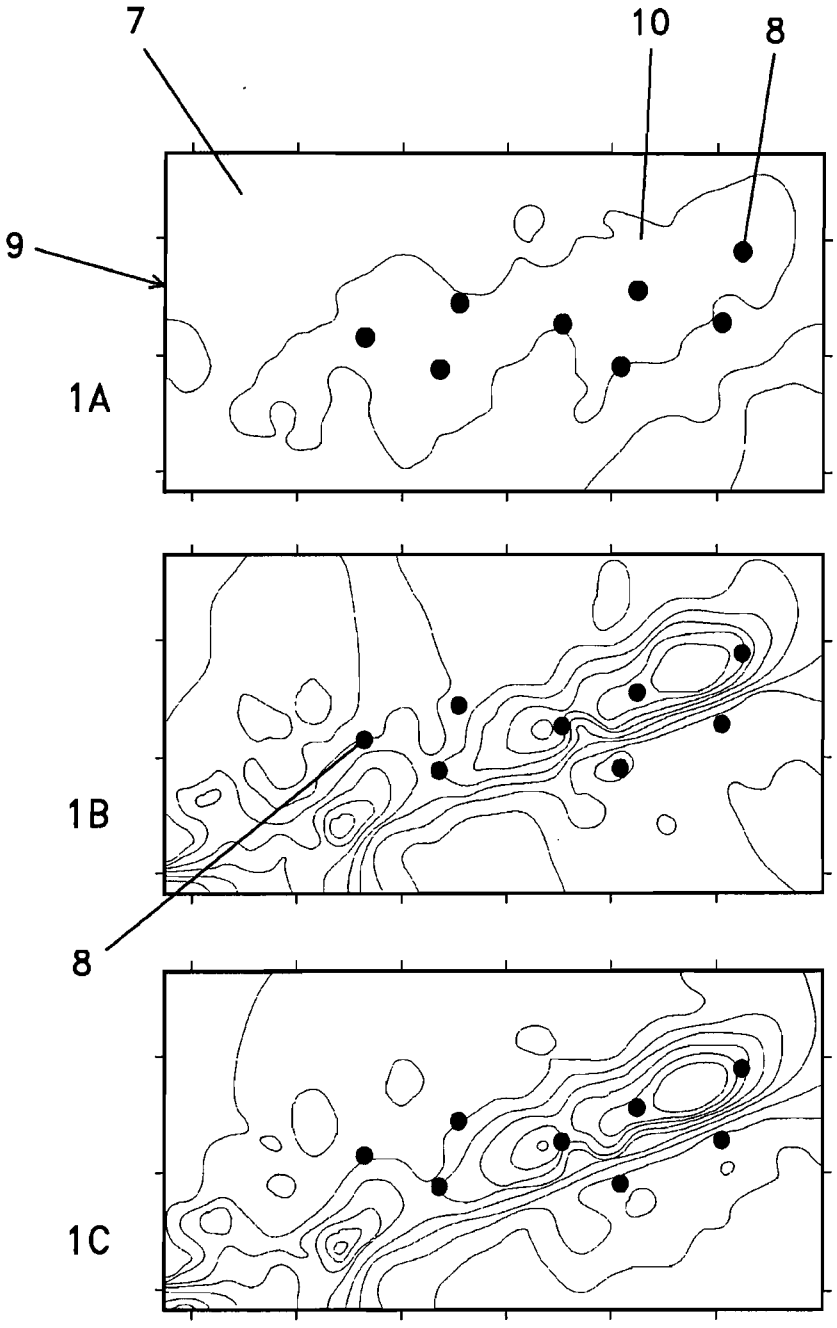


Fig. 1

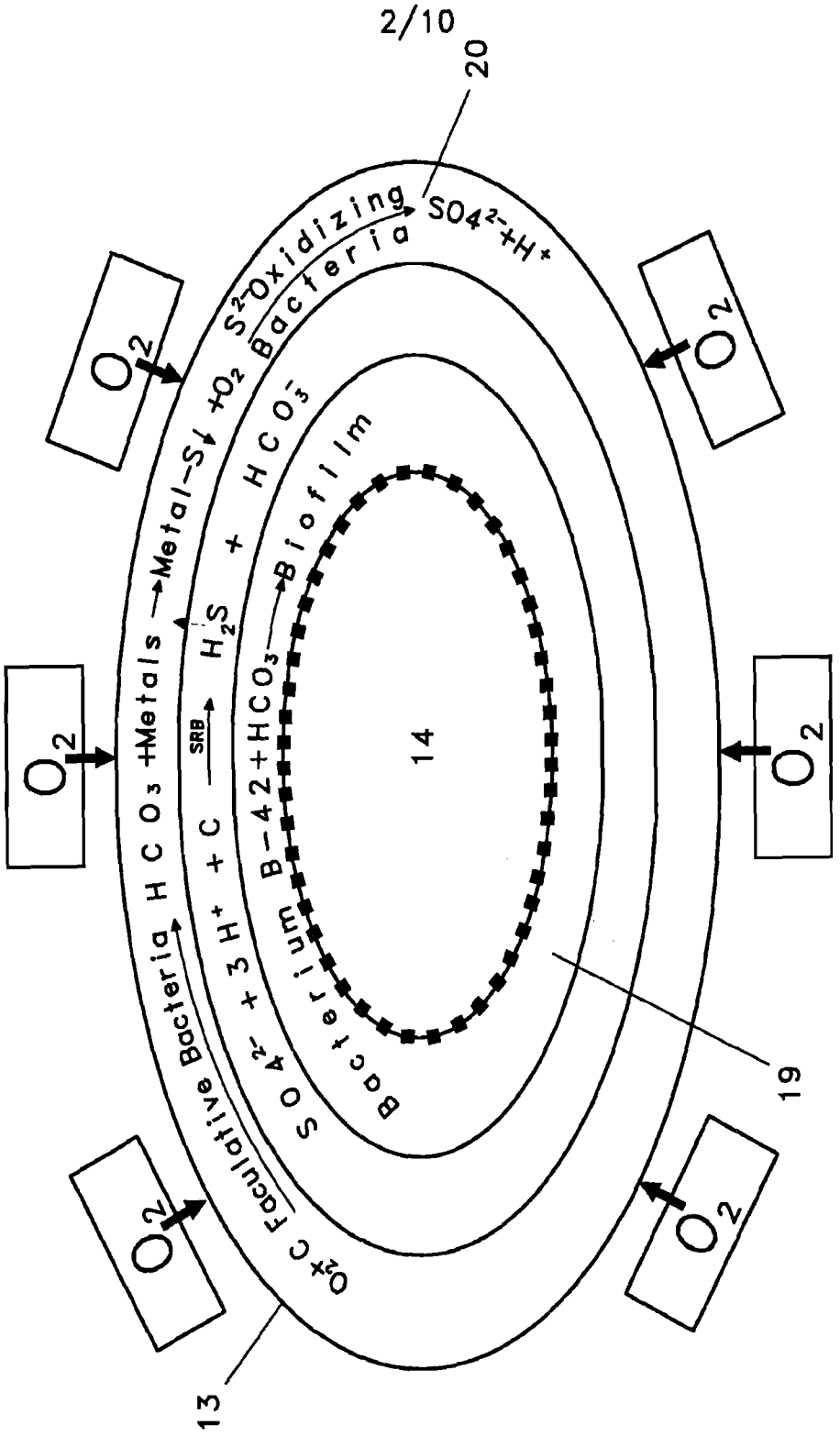
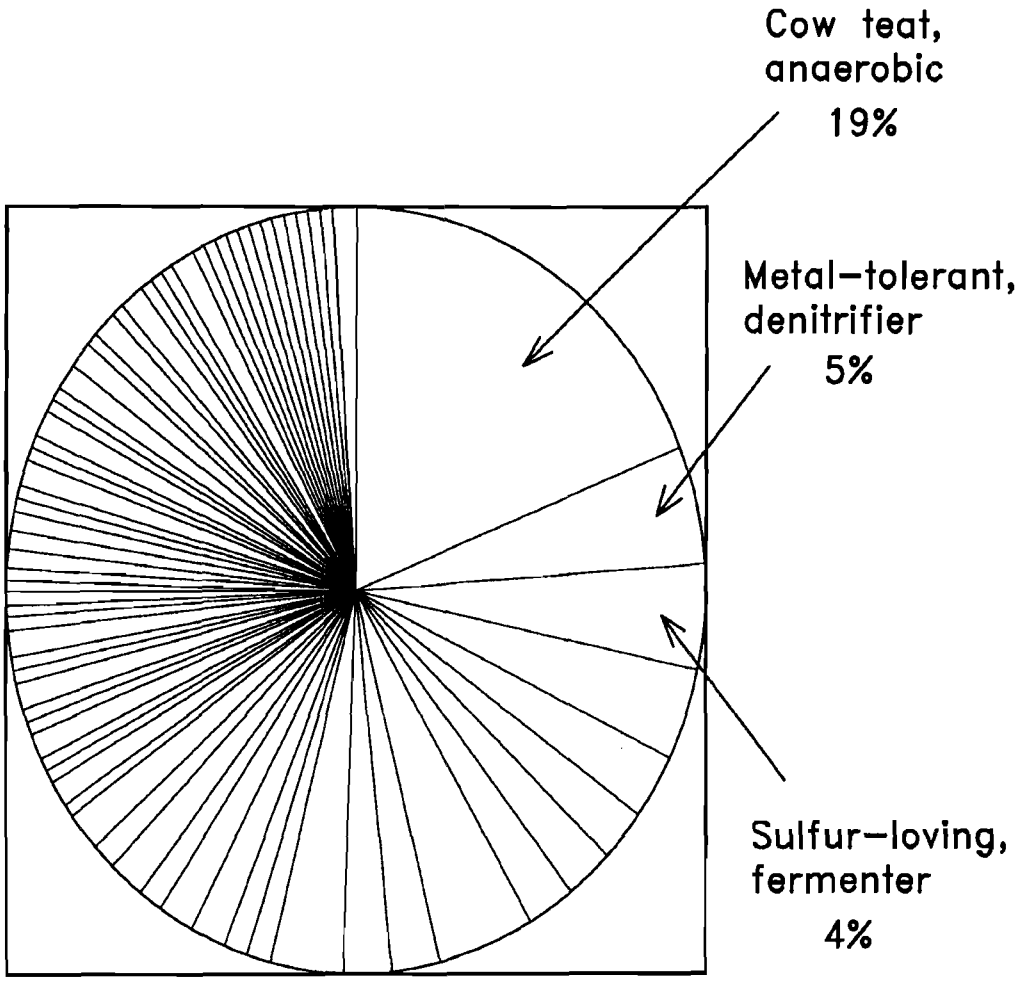

20
$SO_4^{2-}+H^+$
S^{2-}Oxidizing Bacteria
O_2
O_2
O_2
O_2
O_2
O_2
Metal-S + O_2 → Metals + HCO_3^-
H_2S + HCO_3^- → Biofilm
SRB
SO_4^{2-} + $3H^+$ + C → Bacterium B-42+HCO_3
Facultative Bacteria HCO_3 +Metals → Metal-S + O_2
O_2+C
14
19
13

Fig. 2



>75 total species

Fig. 3

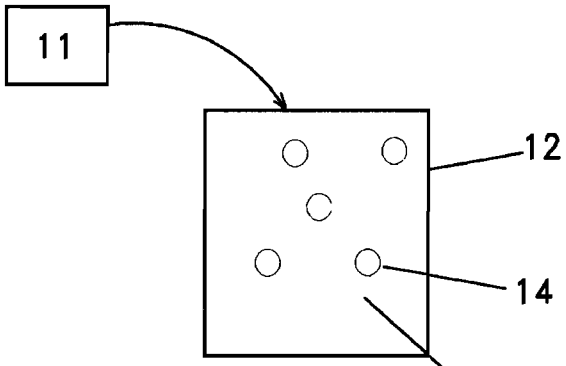


Fig. 4A

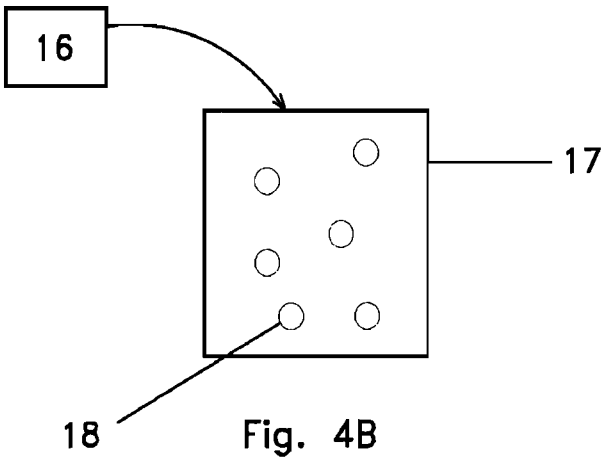


Fig. 4B

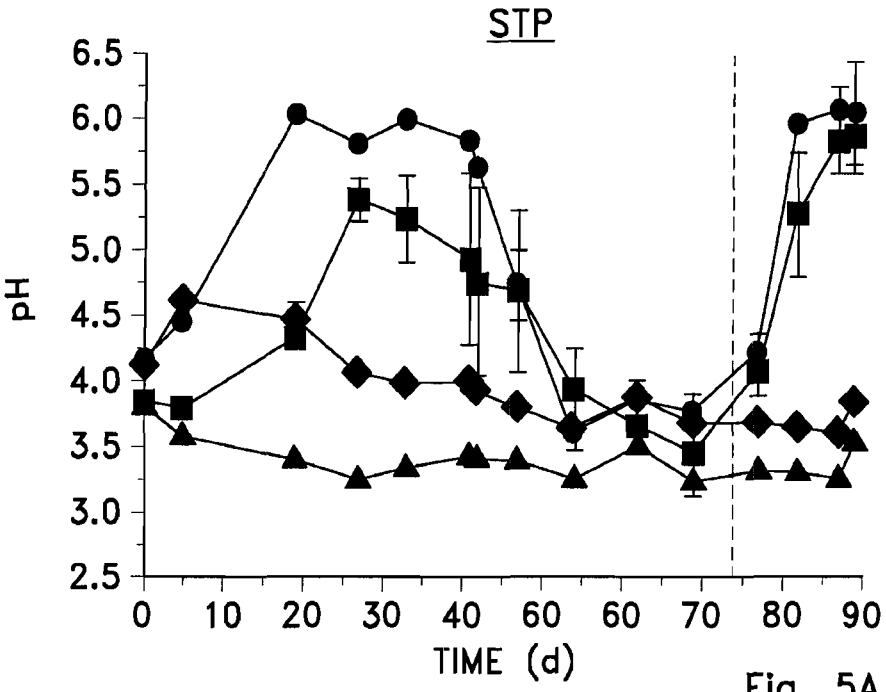

STP
pH
6.5
6.0
5.5
5.0
4.5
4.0
3.5
3.0
2.5
0
10
20
30
40
60
60
70
80
90
TIME (d)

Fig. 5A

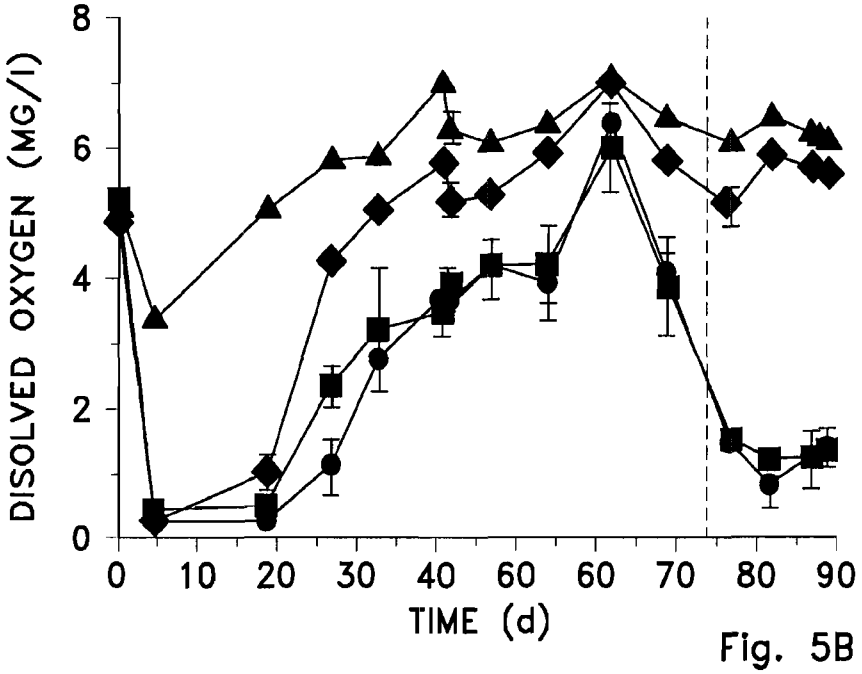

DISOLVED OXYGEN (MG/l)
8
6
4
2
0
0
10
20
30
40
60
60
70
80
90
TIME (d)

Fig. 5B

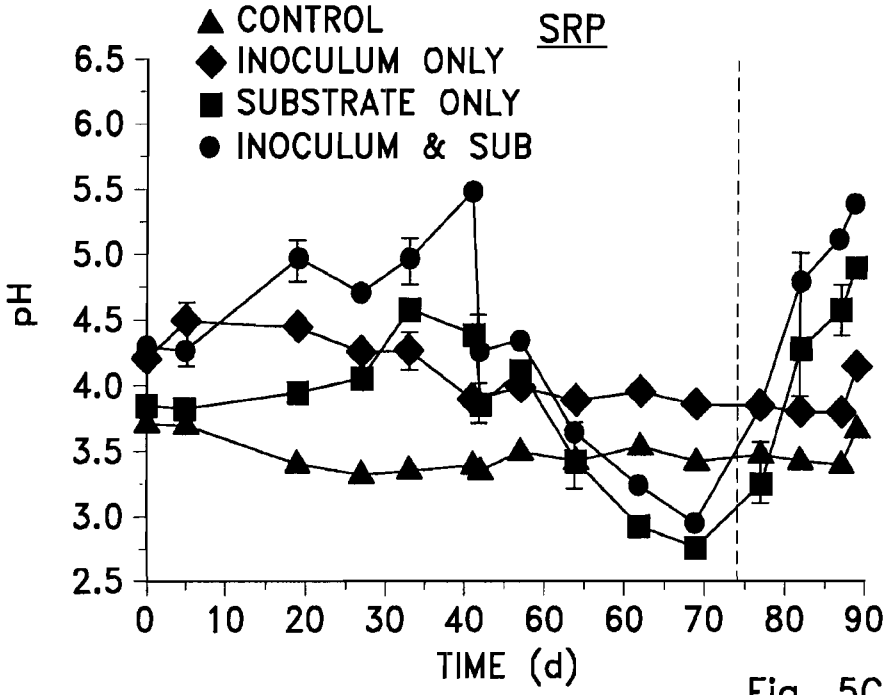

SRP
CONTROL
INOCULUM ONLY
SUBSTRATE ONLY
INOCULUM & SUB
pH
6.5
6.0
5.5
5.0
4.5
4.0
3.5
3.0
2.5
0
10
20
30
40
60
60
70
80
90
TIME (d)

Fig. 5C

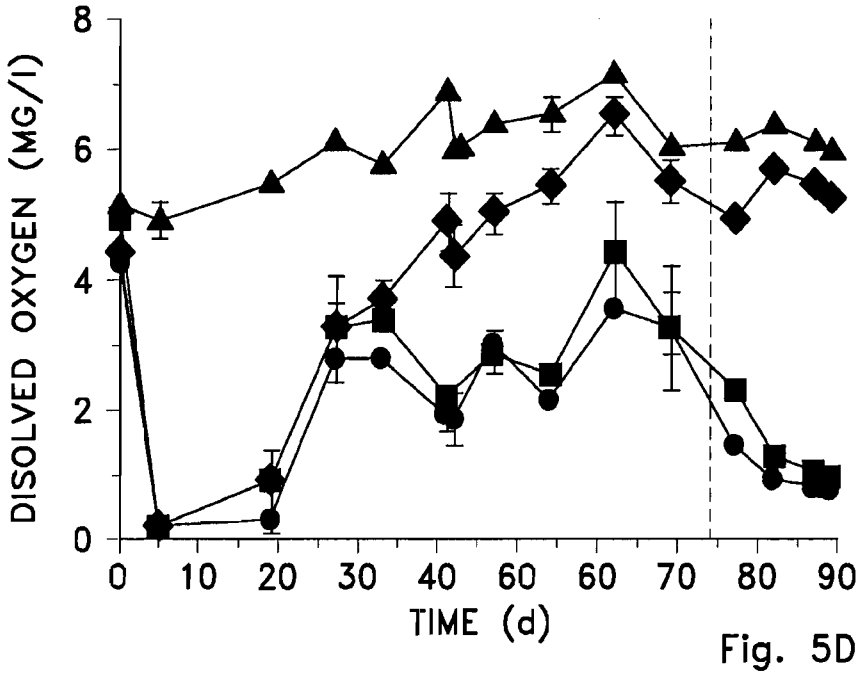

DISOLVED OXYGEN (MG/l)
8
6
4
2
0
0
10
20
30
40
60
60
70
80
90
TIME (d)

Fig. 5D

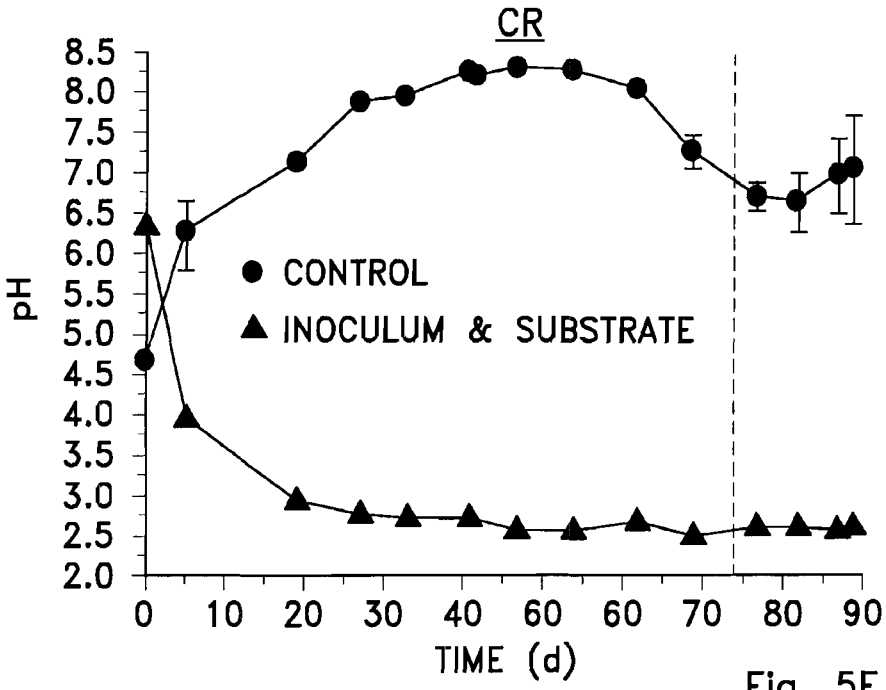

CR
pH
8.5
8.0
7.5
7.0
6.5
6.0
5.5
5.0
4.5
4.0
3.5
3.0
2.5
2.0
CONTROL
INOCULUM & SUBSTRATE
0
10
20
30
40
60
60
70
80
90
TIME (d)

Fig. 5E

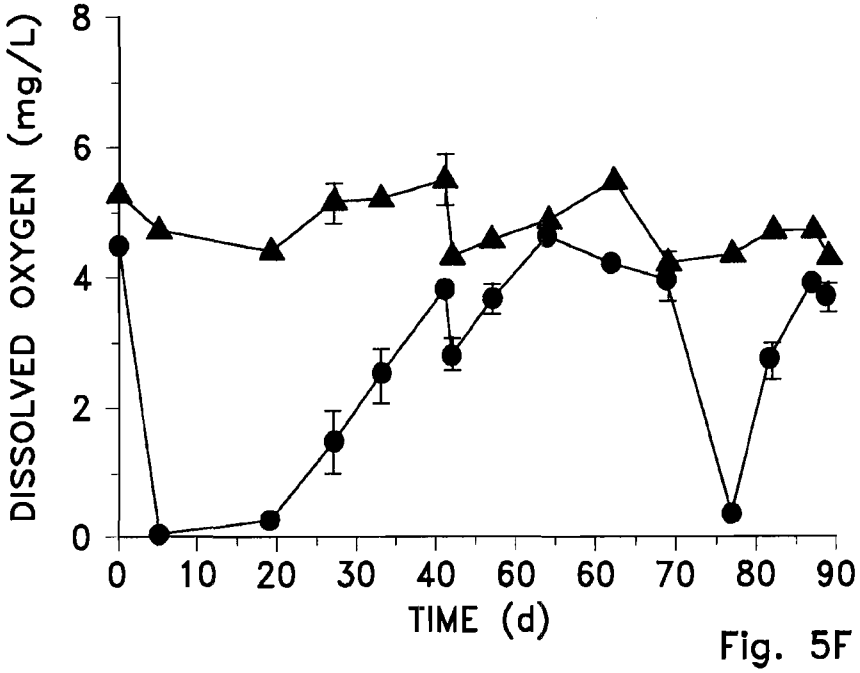

DISSOLVED OXYGEN (mg/L)
8
6
4
2
0
0
10
20
30
40
60
60
70
80
90
TIME (d)

Fig. 5F

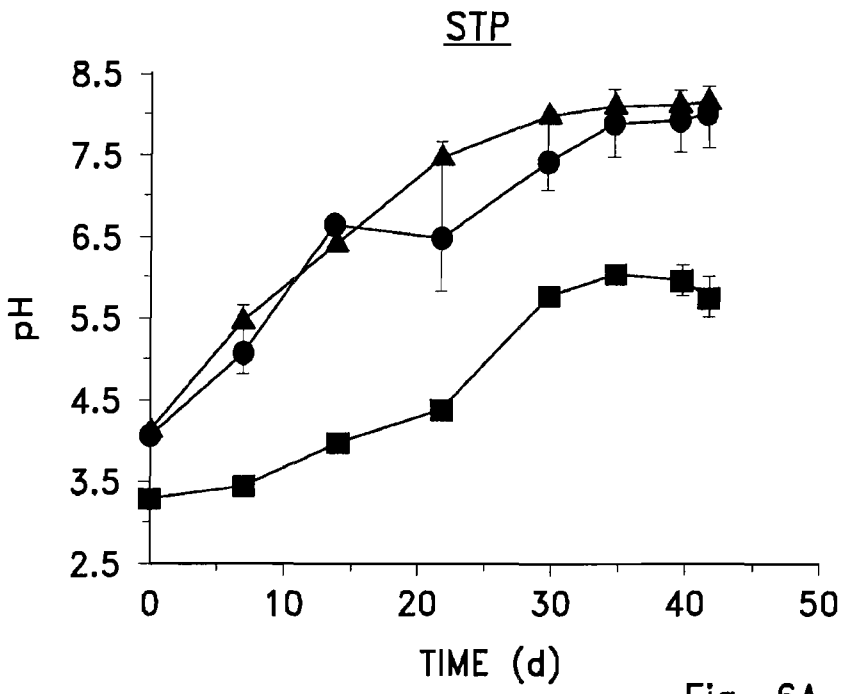

STP
8.5
7.5
6.5
5.5
4.5
3.5
2.5
pH
0
10
20
30
40
50
TIME (d)

Fig. 6A

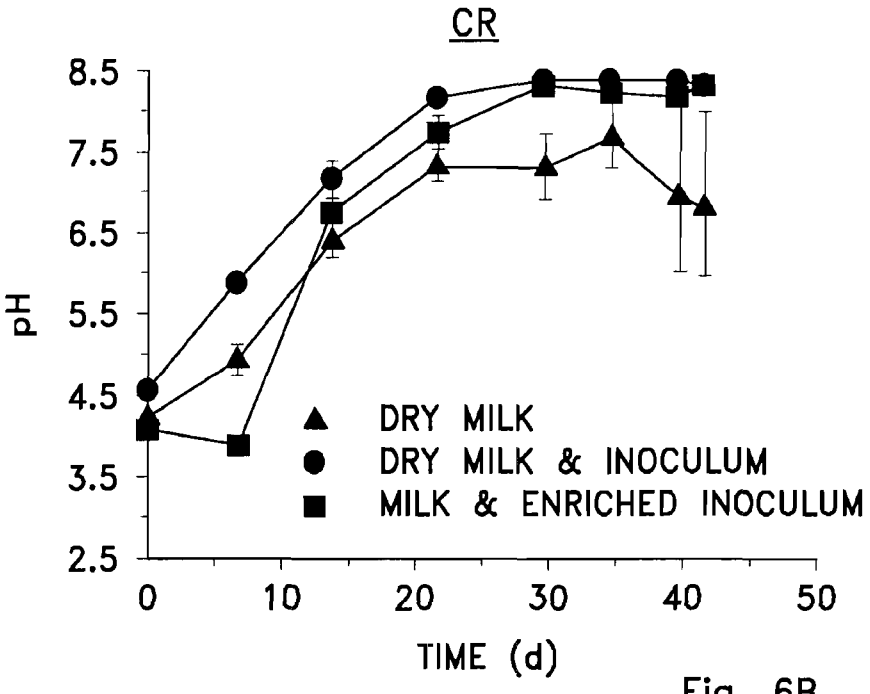

CR
8.5
7.5
6.5
5.5
4.5
3.5
2.5
pH
DRY MILK
DRY MILK & INOCULUM
MILK & ENRICHED INOCULUM
0
10
20
30
40
50
TIME (d)

Fig. 6B

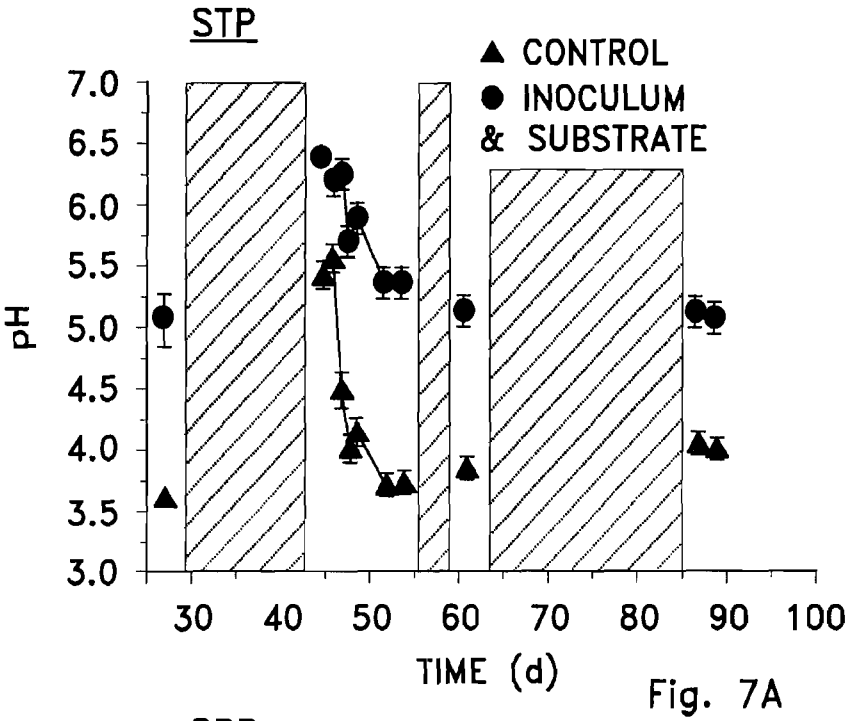

STP
▲ CONTROL
● INOCULUM
& SUBSTRATE
pH
7.0
6.5
6.0
5.5
5.0
4.5
4.0
3.5
3.0
30
40
50
60
70
80
90
100
TIME (d)

Fig. 7A

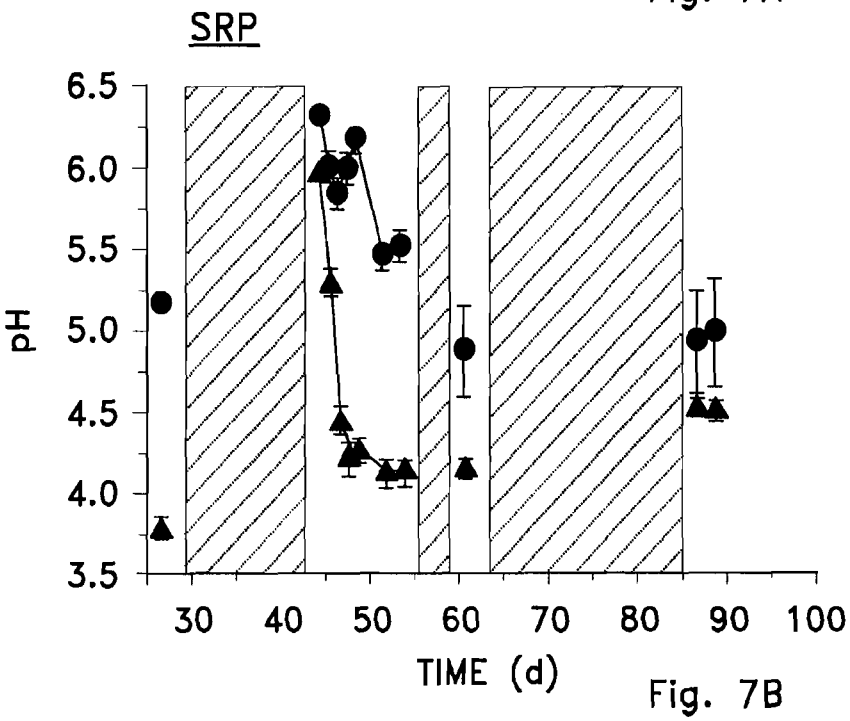

SRP
pH
6.5
6.0
5.5
5.0
4.5
4.0
3.5
30
40
50
60
70
80
90
100
TIME (d)

Fig. 7B

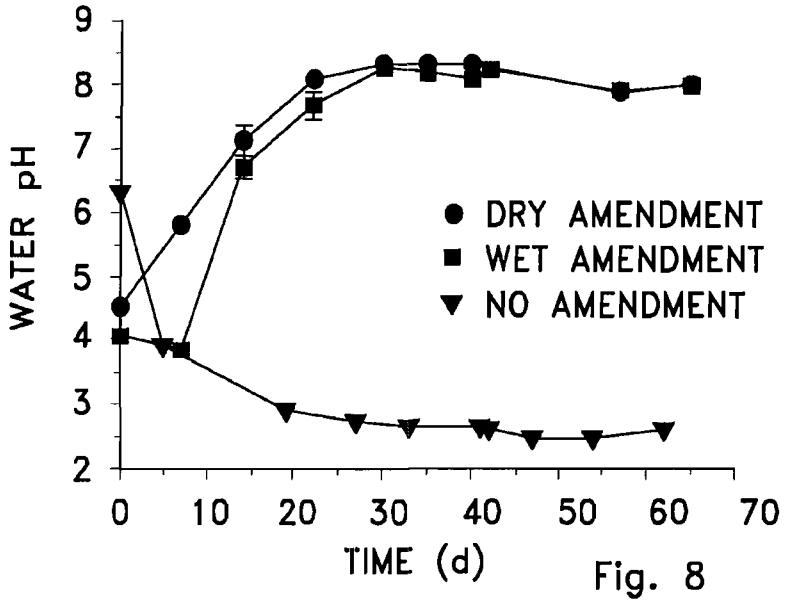

WATER pH
9
8
7
6
5
4
3
2
0
10
20
30
40
50
60
70
TIME (d)
DRY AMENDMENT
WET AMENDMENT
NO AMENDMENT

Fig. 8

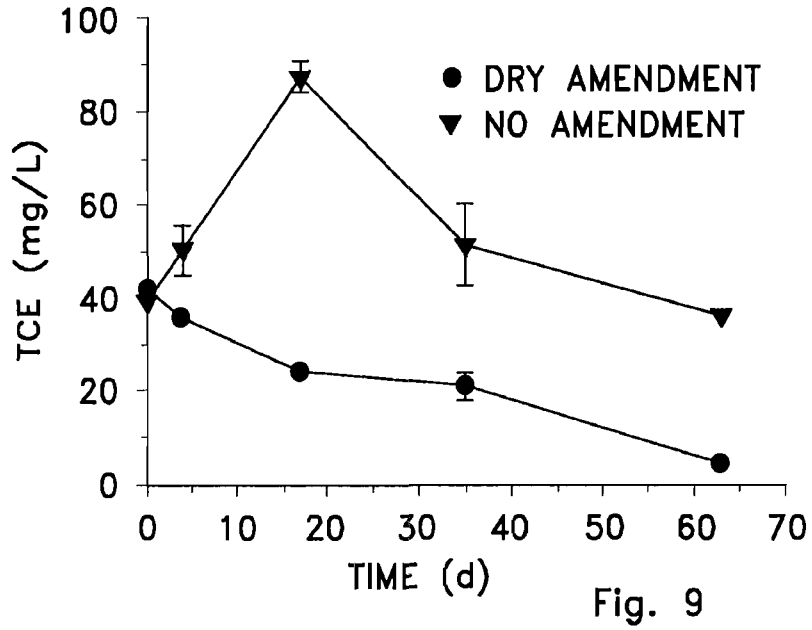

TCE (mg/L)
100
80
60
40
20
0
0
10
20
30
40
50
60
70
TIME (d)
DRY AMENDMENT
NO AMENDMENT

Fig. 9

Serial Number: 12/666,625
Filing Date: 12/23/2009

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

Attachment for 1.b.
A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application.

CLAIMS:

What is claimed is:

1. A method of preventing acid mine drainage comprising the steps of:
identifying an acid mine drainage generation source at a treatment location site;
locating at least one treatment area in said acid mine drainage generation source;
injecting at least one substrate into said at least one treatment area of said acid mine drainage generation source;
biologically consuming at least some of said at least one substrate by at least one kind of microbial population;
biologically constructing a protective biofilm over a plurality of acid mine drainage generation source materials;
preventing oxidation of said acid mine drainage generation source materials with said biofilm;
preventing sulfuric acid generation in said acid mine drainage generation source; and
attaining at least a circumneutral pH in a surrounding environment of said acid mine drainage generation source.

2. A method of preventing acid mine drainage according to claim 1 wherein said step of injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source comprises the step of up-gradient, down-hole injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source.

3. A method of preventing acid mine drainage according to claim 1 wherein said step of injecting at least one substrate into said at least one treatment area of said acid mine drainage generation source comprises the step of gravimetrically injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source.

4. A method of preventing acid mine drainage according to claim 1 wherein said step of injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source comprises the step of injecting at least one carbon source into said at least one treatment area of said acid mine drainage generation source.

5. A method of preventing acid mine drainage according to claim 1 wherein said at least one substrate comprises a dairy product.

6. A method of preventing acid mine drainage according to claim 1 wherein said at least one substrate comprises returned milk.

7. A method of preventing acid mine drainage according to claim 5 wherein said dairy product is selected from a group consisting of milk, returned milk, lactate, whey, ice cream, and combinations thereof.

8. A method of preventing acid mine drainage according to claim 4 wherein said step of injecting said at least one carbon source into said at least one treatment area of said acid mine drainage generation source comprises the step of injecting an amount of said carbon source, said amount selected from a group consisting of:

- a 2 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material;
- a 3 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material;
- a 4 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material;
- a 5 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material; and
- a 6 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material.

9. A method of preventing acid mine drainage according to claim 4 wherein said step of injecting said at least one carbon source into said at least one treatment area of said acid mine drainage generation source comprises the step of injecting an amount of said carbon source, said amount selected from a group consisting of:

- a 2:1 ratio of moles of carbon consumed to moles of sulfate reduced;
- a 3:1 ratio of moles of carbon consumed to moles of sulfate reduced;
- a 4:1 ratio of moles of carbon consumed to moles of sulfate reduced;
- a 5:1 ratio of moles of carbon consumed to moles of sulfate reduced; and
- a 6:1 ratio of moles of carbon consumed to moles of sulfate reduced.

10. A method of preventing acid mine drainage according to claim 1 wherein said at least one substrate is selected from a group consisting of acetate, chitin, crustacean exoskeleton, corn syrup, vegetable oil, grease, kitchen grease, brewery wastes, carbohydrates, fats, proteins, industrial waste, and combinations thereof.

11. A method of preventing acid mine drainage according to claim 1 wherein said step of injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source comprises the step of injecting a liquid substrate into said at least one treatment area of said acid mine drainage generation source.

12. A method of preventing acid mine drainage according to claim 11 wherein said liquid substrate comprises a concentrated liquid substrate.

13. A method of preventing acid mine drainage according to claim 1 wherein said step of injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source comprises the step of injecting a solid substrate into said at least one treatment area of said acid mine drainage generation source.

14. A method of preventing acid mine drainage according to claim 13 wherein said solid substrate is selected from a group consisting of dried and freeze-dried substrates.

15. A method of preventing acid mine drainage according to claim 1 wherein said step of injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source comprises the step of injecting a packaged product into said at least one treatment area of said acid mine drainage generation source.

16. A method of preventing acid mine drainage according to claim 1 wherein said step of injecting said at least one substrate into said at least one treatment area of said acid mine drainage generation source comprises the step of injecting multiple substrate doses in said at least one treatment area of said acid mine drainage generation source.

17. A method of preventing acid mine drainage according to claim 1 wherein said at least one kind of microbial population comprises at least one kind of indigenous microbial population located in said acid mine drainage generation source.

18. A method of preventing acid mine drainage according to claim 1 and further comprising the step of injecting a microbial inoculum into said at least one treatment area of said acid mine drainage generation source.

19. A method of preventing acid mine drainage according to claim 18 wherein said microbial inoculum comprises at least one new kind of microbial population.

20. A method of preventing acid mine drainage according to claim 1 wherein said at least one kind of microbial population is selected from a group consisting of metal-reducing bacteria, sulfate-reducing bacteria, methanogenic bacteria, facultative anaerobes, site specific species, bacteria found in said at least one substrate, and combinations thereof.

21. A method of preventing acid mine drainage according to claim 19 wherein said microbial population is selected from a group consisting of metal-reducing bacteria, sulfate-reducing bacteria, methanogenic bacteria, facultative anaerobes, site specific species, bacteria found in said at least one substrate, and combinations thereof.

22. A method of preventing acid mine drainage according to claim 1 and further comprising the step of injecting at least one nutrient into said at least one treatment area of said acid mine drainage generation source.

23. A method of preventing acid mine drainage according to claim 22 wherein said at least one nutrient is selected from a group consisting of nitrogen, phosphorus, iron, and combinations thereof.

24. A method of preventing acid mine drainage according to claim 22 wherein said at least one nutrient is selected from a group consisting of Na_2HPO_4, NaH_2PO_4, NH_4Cl, KCl, NTA (nitrilotriacetic acid), $MgSO_4$, $MnSO_4 \cdot H_2O$, NaCl, $FeSO_4 \cdot 7H_2O$, $CaCl_2 \cdot 2H_2O$, $CoCl_2 \cdot 6H_2O$, $ZnCl_2$, $CuSO_4 \cdot 5H_2O$, $AlK(SO_4)^2 \cdot 12H_2O$, H_3BO_3, Na_2MoO_4, $NiCl_2 \cdot 6H_2O$, $Na_2WO_4 \cdot 2H_2O$, potassium compounds, magnesium compounds, calcium compounds, sodium compounds, and combinations thereof.

25. A method of preventing acid mine drainage according to claim 22 wherein said at least one nutrient comprises trace amounts of metals.

26. A method of preventing acid mine drainage according to claim 1 and further comprising the step of injecting a pH adjuster into said at least one treatment area of said acid mine drainage generation source.

27. A method of preventing acid mine drainage according to claim 26 wherein said pH adjuster is selected from a group consisting of lime, trona, carbonate, bicarbonate, enzymes, proteins, and combinations thereof.

28. A method of preventing acid mine drainage according to claim 1 and further comprising the step of injecting a reductant into said at least one treatment area of said acid mine drainage generation source.

29. A method of preventing acid mine drainage according to claim 28 wherein said reductant is selected from a group consisting of NaS, cystein, organic substrates, and combinations thereof.

30. A method of preventing acid mine drainage according to claim 1 wherein said treatment location site is selected from a group consisting of hard rock mine, backfilled coal mining waste, backfilled mining waste, waste rock pile, copper mine, gold mine, lead mine, silver mine, and coal mine.

31. A method of preventing acid mine drainage according to claim 1 wherein said acid mine drainage generation source materials are selected from a group consisting of iron sulfides, iron disulfide (FeS_2), FeS, metal sulfides, sulfidic ore, crushed ore, tailings pile, waste rock, and combinations thereof.

32. A method of preventing acid mine drainage according to claim 1 wherein said step of biologically constructing said protective biofilm over said plurality of said acid mine drainage generation source materials comprises the step of biologically constructing a complex protective biofilm over said plurality of said acid mine drainage generation source materials.

33. A method of preventing acid mine drainage according to claim 32 wherein said complex protective biofilm comprises a diverse microbial community.

34. A method of preventing acid mine drainage according to claim 33 wherein said diverse microbial community comprises a number of different microbial species selected from a group consisting of greater than about 50 different species, greater than about 70 different species, about 75 different species, and greater than about 75 different species.

35. A method of preventing acid mine drainage according to claim 32 wherein said complex protective biofilm comprises a multilayered community.

36. A method of preventing acid mine drainage according to claim 35 wherein said multilayered community comprises layers selected from a group consisting of at least two layers, at least three layers, and at least four layers.

37. A method of preventing acid mine drainage according to claim 35 wherein said multilayered community comprises at least some facultative anaerobic bacteria in an outermost layer and at least some obligate anaerobic bacteria in an inner layer of said multilayered community.

38. A method of preventing acid mine drainage according to claim 33 wherein said diverse microbial community comprises bacteria selected from a group consisting of aerobic bacteria, anaerobic bacteria, facultative anaerobic bacteria, sulfate reducing bacteria, obligate anaerobic bacteria, cow teat bacteria, metal-tolerant denitrifier bacteria, sulfur-loving fermenter bacteria, *Desulfosporosinus sp*, sulfate reducing bacteria clone 159, *acidovorax avenae,* nickel tolerant denitrifier bacteria, facultative denitrifiers, uncultured bacterium clone B-42, and combinations thereof.

39. A method of preventing acid mine drainage according to claim 33 wherein said diverse microbial community comprises facultative anaerobic bacteria as a dominant species.

40. A method of preventing acid mine drainage according to claim 32 wherein said complex protective biofilm comprises microbial cells and extracellular polymers.

41. A method of preventing acid mine drainage according to claim 1 wherein said step of biologically constructing a protective biofilm over said plurality of acid mine drainage generation source materials comprise the step of biologically constructing a permanent protective biofilm over said plurality of acid mine drainage generation source materials.

42. A method of preventing acid mine drainage according to claim 1 wherein said step of identifying said acid mine drainage generation source at said treatment location site comprises the step of utilizing an electromagnetic induction survey.

43. A method of preventing acid mine drainage according to claim 42 wherein said electromagnetic induction survey is selected from a group consisting of a ground electromagnetic induction survey and an air electromagnetic induction survey.

44. A method of preventing acid mine drainage according to claim 42 and further comprising the step of monitoring said acid mine drainage generation source using said electromagnetic induction survey.

45. A method of preventing acid mine drainage according to claim 1 wherein said step of locating said at least one treatment area in said acid mine drainage generation source comprises the step of installing at least one injection well in said at least one treatment area of said acid mine drainage generation source.

46. A method of preventing acid mine drainage according to claim 1 wherein said step of attaining at least said circumneutral pH in said surrounding environment of said acid mine drainage generation source comprises the step of increasing a pH level in said surrounding environment of said acid mine drainage generation source.

47. A method of preventing acid mine drainage according to claim 46 wherein said step of increasing said pH level in said surrounding environment of said acid mine drainage generation source comprises the step of increasing said pH level from an acidic pH to a circumneutral pH.

48. A method of preventing acid mine drainage according to claim 1 wherein said circumneutral pH is selected from a group consisting of greater than about 6 pH, about 7 pH, greater than about 7 pH, about 7.2 pH, and between about 6 pH and about 8.5 pH.

49. A method of preventing acid mine drainage according to claim 47 wherein said acidic pH is selected from a group consisting of less than about 6 pH, less than about 5 pH, about 4.5 pH, and about 2.5 pH.

50. A method of preventing acid mine drainage according to claim 1 wherein said step of preventing sulfuric acid generation in said acid mine drainage generation source comprises preventing sulfuric acid generation for a period of time, said period of time is selected from a group consisting of at least about 3 months, more than about 1.8 years, more than about 2 years, about 6 months, about 9 months, about 12 months, about 18 months, more than about 19 months, about 24 months, about 3 years, about 5 years, and about 10 years.

51. A method of preventing acid mine drainage according to claim 1 wherein said step of preventing oxidation in said acid mine drainage generation source materials comprises the step of physically preventing oxidation in said acid mine drainage generation source materials.

52. A method of preventing acid mine drainage according to claim 51 wherein said step of physically preventing oxidation in said acid mine drainage generation source materials comprises the step of providing a hydrophobic physical barrier in said biofilm.

53. A method of preventing acid mine drainage according to claim 1 wherein said step of preventing oxidation in said acid mine drainage generation source materials comprises the step of chemically preventing oxidation in said acid mine drainage generation source materials.

54. A method of preventing acid mine drainage according to claim 53 wherein said step of chemically preventing oxidation in said acid mine drainage generation source materials comprises the step of providing an oxygen-reducing microbial barrier in

said biofilm.

55. A method of preventing acid mine drainage according to claim 1 and further comprising the step of precipitating metals in said acid mine drainage generation source.

56. A method of preventing acid mine drainage according to claim 1 and further comprising the step of neutralizing sulfuric acid in said acid mine drainage generation source.

57. A method of preventing acid mine drainage according to claim 1 and further comprising the step of reducing iron concentrations in said acid mine drainage generation source.

58. A method of preventing acid mine drainage according to claim 1 wherein said surrounding environment comprises water.

59. An acid mine drainage treatment comprising:
an acid mine drainage generation source identifier;
a treatment location site having at least one acid mine drainage generation source;
a plurality of acid mine drainage generation source materials in said at least one acid mine drainage generation source at said treatment location site; and
at least one biofilm inducing substrate injection sample.

60. An acid mine drainage treatment according to claim 59 and further comprising at least one treatment area of said acid mine drainage generation source.

61. An acid mine drainage treatment according to claim 59 wherein said acid mine drainage generation source further comprises at least one kind of microbial population.

62. An acid mine drainage treatment according to claim 59 and further comprising a protective biofilm over said plurality of acid mine drainage generation source materials.

63. An acid mine drainage treatment according to claim 59 and further comprising at least a circumneutral pH in a surrounding environment of said acid mine drainage generation source.

64. An acid mine drainage treatment according to claim 62 wherein said protective biofilm comprises an oxidation prevention source.

65. An acid mine drainage treatment according to claim 62 wherein said protective biofilm comprises a sulfuric acid generation prevention source.

66. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises an up-gradient, down-hole injection sample.

67. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises a gravimetric injection sample.

68. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises a carbon source.

69. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises a dairy product.

70. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises returned milk.

71. An acid mine drainage treatment according to claim 69 wherein said dairy product is

selected from a group consisting of milk, returned milk, lactate, whey, ice cream, and combinations thereof.

72. An acid mine drainage treatment according to claim 68 wherein said carbon source comprises an amount of carbon selected from a group consisting of:

- a 2 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material;
- a 3 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material;
- a 4 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material;
- a 5 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material; and
- a 6 to 1 ratio of organic carbon to water extractable sulfate concentration of waste material.

73. An acid mine drainage treatment according to claim 68 wherein said carbon source comprises an amount of carbon selected from a group consisting of:

- a 2:1 ratio of moles of carbon consumed to moles of sulfate reduced;
- a 3:1 ratio of moles of carbon consumed to moles of sulfate reduced;
- a 4:1 ratio of moles of carbon consumed to moles of sulfate reduced;
- a 5:1 ratio of moles of carbon consumed to moles of sulfate reduced; and
- a 6:1 ratio of moles of carbon consumed to moles of sulfate reduced.

74. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises a substrate selected from a group consisting of acetate, chitin, crustacean exoskeleton, corn syrup, vegetable oil, grease, kitchen grease, brewery wastes, carbohydrates, fats, proteins, industrial waste, and combinations thereof.

75. An acid mine drainage treatment according to claim 59 wherein said at least one

biofilm inducing substrate injection sample comprises a liquid substrate.

76. An acid mine drainage treatment according to claim 75 wherein said at least one biofilm inducing substrate injection sample comprises a concentrated liquid substrate.

77. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises a solid substrate.

78. An acid mine drainage treatment according to claim 77 wherein said solid substrate is selected from a group consisting of dried and freeze-dried substrates.

79. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises a packaged product.

80. An acid mine drainage treatment according to claim 59 wherein said at least one biofilm inducing substrate injection sample comprises multiple biofilm inducing substrate injection samples.

81. An acid mine drainage treatment according to claim 61 wherein said at least one kind of microbial population comprises an indigenous population of said acid mine drainage generation source.

82. An acid mine drainage treatment according to claim 61 wherein said at least one kind of microbial population comprises at least one kind of newly injected microbial population.

83. An acid mine drainage treatment according to claim 82 wherein said at least one kind of newly injected microbial population comprises a single injection of said at least one newly injected microbial population.

84. An acid mine drainage treatment according to claim 61 wherein said at least one kind

of microbial population is selected from a group consisting of metal-reducing bacteria, sulfate-reducing bacteria, methanogenic bacteria, facultative anaerobes, site specific species, bacteria found in said at least one substrate, and combinations thereof.

85. An acid mine drainage treatment according to claim 59 and further comprising at least one nutrient injection sample.

86. An acid mine drainage treatment according to claim 85 wherein said at least one nutrient injection sample comprises a nutrient selected from a group consisting of nitrogen, phosphorus, iron, and combinations thereof.

87. An acid mine drainage treatment according to claim 85 wherein said at least one nutrient injection sample comprises a nutrient selected from a group consisting of Na_2HPO_4, NaH_2PO_4, NH_4Cl, KCl, NTA (nitrilotriacetic acid), $MgSO_4$, $MnSO_4 \cdot H_2O$, NaCl, $FeSO_4 \cdot 7H_2O$, $CaCl_2 \cdot 2H_2O$, $CoCl_2 \cdot 6H_2O$, $ZnCl_2$, $CuSO_4 \cdot 5H_2O$, $AIK(SO_4)^2 \cdot 12H_2O$, H_3BO_3, Na_2MoO_4, $NiCl_2 \cdot 6H_2O$, $Na_2WO_4 \cdot 2H_2O$, potassium compounds, magnesium compounds, calcium compounds, sodium compounds, and combinations thereof.

88. An acid mine drainage treatment according to claim 85 wherein said at least one nutrient injection sample comprises trace amounts of metals.

89. An acid mine drainage treatment according to claim 59 and further comprising a pH adjuster injection sample.

90. An acid mine drainage treatment according to claim 89 wherein said pH adjuster injection sample comprises a pH adjuster selected from a group consisting of lime, trona, carbonate, bicarbonate, enzymes, proteins, and combinations thereof.

91. An acid mine drainage treatment according to claim 59 and further comprising a

reductant injection sample.

92. An acid mine drainage treatment according to claim 91 wherein said reductant injection sample comprises a reductant selected from a group consisting of NaS, cystein, organic substrates, and combinations thereof.

93. An acid mine drainage treatment according to claim 59 wherein said treatment location site is selected from a group consisting of hard rock mine, backfilled coal mining waste, backfilled mining waste, waste rock pile, copper mine, gold mine, lead mine, silver mine, and coal mine.

94. An acid mine drainage treatment according to claim 59 wherein said plurality of acid mine drainage generation source materials are selected from a group consisting of iron sulfides, iron disulfide (FeS_2), FeS, metal sulfides, sulfidic ore, crushed ore, tailings pile, waste rock, and combinations thereof.

95. An acid mine drainage treatment according to claim 62 wherein said protective biofilm comprises a complex protective biofilm.

96. An acid mine drainage treatment according to claim 95 wherein said complex protective biofilm comprises a diverse microbial community.

97. An acid mine drainage treatment according to claim 96 wherein said diverse microbial community comprises a number of different microbial species selected from a group consisting of greater than about 50 different species, greater than about 70 different species, about 75 different species, and greater than about 75 different species.

98. An acid mine drainage treatment according to claim 95 wherein said complex protective biofilm comprises a multilayered community.

99. An acid mine drainage treatment according to claim 98 wherein said multilayered community comprises layers selected from a group consisting of at least two layers, at least three layers, and at least four layers.

100. An acid mine drainage treatment according to claim 98 wherein said multilayered community comprises at least some facultative anaerobic bacteria in an outermost layer and at least some obligate anaerobic bacteria in an inner layer of said multilayered community.

101. An acid mine drainage treatment according to claim 96 wherein said diverse microbial community comprises bacteria selected from a group consisting of aerobic bacteria, anaerobic bacteria, facultative anaerobic bacteria, sulfate reducing bacteria, obligate anaerobic bacteria, cow teat bacteria, metal-tolerant denitrifier bacteria, sulfur-loving fermenter bacteria, *Desulfosporosinus sp*, sulfate reducing bacteria clone 159, *acidovorax avenae,* nickel tolerant denitrifier bacteria, facultative denitrifiers, uncultured bacterium clone B-42, and combinations thereof.

102. An acid mine drainage treatment according to claim 96 wherein said diverse microbial community comprises facultative anaerobic bacteria as a dominant species.

103. An acid mine drainage treatment according to claim 95 wherein said complex protective biofilm comprises microbial cells and extracellular polymers.

104. An acid mine drainage treatment according to claim 62 wherein said protective biofilm comprises a permanent biofilm.

105. An acid mine drainage treatment according to claim 59 wherein said acid mine drainage generation source identifier comprises an electromagnetic induction survey.

106. An acid mine drainage treatment according to claim 105 wherein said electromagnetic induction is selected from a group consisting of a ground

electromagnetic induction survey and an air electromagnetic induction survey.

107. An acid mine drainage treatment according to claim 59 and further comprising at least one injection well.

108. An acid mine drainage treatment according to claim 63 wherein said at least said circumneutral pH in said surrounding environment comprises a pH level increased from an acidic pH to said at least said circumneutral pH in said surrounding environment.

109. An acid mine drainage treatment according to claim 63 wherein said circumneutral pH is selected from a group consisting of greater than about 6 pH, about 7 pH, greater than about 7 pH, about 7.2 pH, and between about 6 pH and about 8.5 pH.

110. An acid mine drainage treatment according to claim 109 said acidic pH is selected from a group consisting of less than about 6 pH, less than about 5 pH, about 4.5 pH, and about 2.5 pH.

111. An acid mine drainage treatment according to claim 62 wherein said protective biofilm prevents sulfuric acid generation for a period of time, said period of time is selected from a group consisting of at least about 3 months, more than about 1.8 years, more than about 2 years, about 6 months, about 9 months, about 12 months, about 18 months, more than about 19 months, about 24 months, about 3 years, about 5 years, and about 10 years.

112. An acid mine drainage treatment according to claim 62 wherein said protective biofilm comprises a hydrophobic physical barrier.

113. An acid mine drainage treatment according to claim 62 wherein said protective biofilm comprises an oxygen-reducing microbial barrier.

114. An acid mine drainage treatment according to claim 59 and further comprising a metal precipitate in said acid mine drainage generation source.

115. An acid mine drainage treatment according to claim 59 and further comprising a reduced iron concentration in said acid mine drainage generation source.

116. An acid mine drainage treatment according to claim 63 wherein said surrounding environment comprises water.

117. A method of treating contaminated water comprising the steps of:
providing a contaminated water environment having contaminants;
injecting a returned milk packaged product into said contaminated water environment;
enhancing reductive degradation of said contaminated water environment with said returned milk;
supplying an electron source from said returned milk to at least one population of anaerobic bacteria in said contaminated water environment;
degrading said contaminants; and
providing a harmless end-product from said reductive degradation of said contaminants.

118. A method of treating contaminated water according to claim 117 wherein said contaminated water environment comprises an in-situ contaminated water environment.

119. A method of treating contaminated water according to claim 117 wherein said contaminated water environment comprises an ex-situ contaminated water environment.

120. A method of treating contaminated water according to claim 117 wherein said contaminants are selected from a group consisting of halogenated compounds,

oxidized metals, chlorinated alkenes, chlorinated alkanes, chlorinated aromatics, fluorinated alkenes, fluorinated alkanes, brominated alkenes, brominated alkanes, brominated aromatics, perchloroethene, trichloroethene, perchlorate, dichloroethylene, vinyl chloride, carbon tetrachloride, chlorobenzene, uranium, chromium, arsenate, and combinations thereof.

121. A method of treating contaminated water according to claim 117 wherein said step of injecting said returned milk into said contaminated water environment comprises the step of injecting liquid returned milk into said contaminated water environment.

122. A method of treating contaminated water according to claim 117 wherein said step of injecting said returned milk into said contaminated water environment comprises the step of injecting concentrated liquid returned milk into said contaminated water environment.

123. A method of treating contaminated water according to claim 117 wherein said returned milk comprises solid returned milk.

124. A method of treating contaminated water according to claim 123 wherein said solid returned milk comprises a dried product.

125. A method of treating contaminated water according to claim 123 wherein said solid returned milk comprises a freeze-dried product.

Claim 126. (Cancelled)

127. A method of treating contaminated water according to claim 117 and further comprising the step of injecting at least one additive into said contaminated water environment.

128. A method of treating contaminated water according to claim 127 wherein said at least one additive is selected from a group consisting of organic substrates, nutrients, micro-metals, bacterial inoculum, pH adjuster, reductant, sulfate, ferrous iron, ferrous sulfate, and combinations thereof.

129. A method of treating contaminated water according to claim 128 wherein said organic substrates are selected from a group consisting of whey, ice cream, lactate, acetate, chitin, crustacean exoskeleton, corn syrup, vegetable oil, grease, kitchen grease, brewery wastes, carbohydrates, fats, proteins, industrial waste, and combinations thereof.

130. A method of treating contaminated water according to claim 128 wherein said nutrients are selected from a group consisting of nitrogen, phosphorous, ammonium phosphate, iron, and combinations thereof.

131. A method of treating contaminated water according to claim 128 wherein said bacterial inoculum is selected from a group consisting of metal-reducing bacteria, sulfate-reducing bacteria, methanogenic bacteria, facultative bacteria, site specified species, fermentative bacteria, dehalogenating bacteria, and combinations thereof.

132. A method of treating contaminated water according to claim 128 wherein said pH adjuster is selected from a group consisting of lime, trona, carbonate, bicarbonate, enzymes, proteins, and combinations thereof

133. A method of treating contaminated water according to claim 128 wherein said reductant is selected from a group consisting of NaS, cystein, organic substrates, and combinations thereof.

134. A method of treating contaminated water according to claim 117 wherein said contaminants comprises oxidized metals, and wherein said harmless end-product comprises an immobilized precipitate.

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The time period for reply, if any, is set in the attached communication.

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January 10, 2011

In re application of Song Jin et al. Serial No. 12/666,625 Filed: December 23, 2009 For: TREATMENT AND PREVENTION SYSTEMS FOR ACID MINE DRAINAGE AND HALOGENATED CONTAMINANTS	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

DEC 10 2010

PCT LEGAL ADMINISTRATION

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of :
EIFFE, et al. : DECISION ON PETITION
Serial No.: 12/666,657 :
PCT No.: PCT/AU2008/000960 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 30 June 2008 :
Priority Date: 29 June 2007 :
Atty Docket No.: P-73661-US :
For: 2-SUBSTITUTED ISOFLAVONOID :
COMPOUNDS, MEDICAMENTS AND USES :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 04 November 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of inventor Andrew Heaton. As authorized, the $200.00 petition fee will be charged to Deposit Account 50-3355.

BACKGROUND

On 30 June 2008, applicant filed international application PCT/AU2008/000960 which claimed priority to a previous application filed 29 June 2007. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 08 January 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 29 December 2009.

On 24 December 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an Information Disclosure Statement.

On 05 April 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 04 November 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time. With payment of the five-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 through 3.

Regarding item 4, the currently filed declaration does not comply with 37 CFR 1.497(a).

Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

Applicant has supplied complete declarations signed by inventors Walker and Husband, however, the declaration executed by inventor Eiffe only contained pages one and two of the declaration and thus did not list the other inventors on the declaration. A compliant declaration signed by inventor Eiffe is required before the application can proceed.

For the reasons stated above, it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file renewed petitions. Any reconsideration request should include a cover letter entitled "Renewed Petitions Under 37 CFR 1.47(a) and 37 CFR 1.137(b)." No additional petition fees are required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

MAILED

MAR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
EIFFE, et al. : DECISION ON PETITION
Serial No.: 12/666,657 :
PCT No.: PCT/AU2008/000960 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 30 June 2008 :
Priority Date: 29 June 2007 :
Atty Docket No.: P-73661-US :
For: 2-SUBSTITUTED ISOFLAVONOID :
COMPOUNDS, MEDICAMENTS AND USES :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 07 February 2011 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of inventor Andrew Heaton.

BACKGROUND

On 10 December 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 07 February 2011, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 10 December 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 through 3.

With the filing of the renewed petition and accompanying exhibits applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Andrew Heaton
38 Lodge Street, Forest Lodge
New South Wales 2037
AUSTRALIA

MAILED

MAR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of
EIFFE, et al.
Serial No.: 12/666,657
PCT No.: PCT/AU2008/000960
Int. Filing Date: 30 June 2008
Priority Date: 29 June 2007
Atty Docket No.: P-73661-US
For: 2-SUBSTITUTED ISOFLAVONOID COMPOUNDS, MEDICAMENTS AND USES

Dear Mr. Heaton:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036
United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of :
INTERLANDI, et al. :
U.S. Application No.: 12/666,707 : DECISION ON PETITION
PCT No.: PCT/AU2008/000951 :
Int. Filing Date: 27 June 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 27 June 2007 :
Attorney Docket No.: 6098-013000 :
For: A WIND TURBINE HAVING AN AIRFLOW :
DEFLECTOR :

This decision is in response to applicant's "Petition Under 37 CFR 1.47(a)" filed 01 October 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 June 2008, applicant filed international application PCT/AU2008/000951 which claimed priority to an earlier application filed 27 June 2007. A copy of the international application was transmitted to the United States on 31 December 2008. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 27 December 2009.

On 24 December 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 04 May 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 01 October 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a three-month extension of time and payment of the appropriate extension of time fee. The petition is timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR

1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items. Specific to item (2), applicant has shown that a complete set of application papers was presented to the non-signing inventor and applicant has supplied the USPTO with a copy of his refusal to sign a declaration for the above-captioned U.S. National stage application. It is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 27 June 2008 under 35 U.S.C. 363, and will be given a date of **01 October 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Mr. Ronald Alan Ellis
151 Golden Pond Road
Chewton VIC 3451
AUSTRALIA

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of
INTERLANDI, et al.
U.S. Application No.: 12/666,707
PCT No.: PCT/AU2008/000951
Int. Filing Date: 27 June 2008
Priority Date: 27 June 2007
Attorney Docket No.: 6098-013000
For: A WIND TURBINE HAVING AN AIRFLOW DEFLECTOR

Dear Mr. Ellis:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
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Counsel of Record:

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
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FEB 07 2011

PCT LEGAL ADMINISTRATION

SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 100
SILVER SPRING MD 20910

In re Application of CRIPPA et al.
Application No.: 12/666,713
PCT No.: PCT/IT07/00458
Int. Filing: 27 June 2007
Priority Date: none
Attorney Docket No.: 6449
For: PAD FOR DISC BRAKES

: DECISION ON
: PETITION
:UNDER 37 CFR 1.47(a)

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 08 November 2010. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 08 April 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 08 November 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor ANTONIO TUPPUTI, alleging that the inventor refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant has satisfied Item (1) with the requisite $200 petition fee.

With respect to Item (2), the statement of co-inventor Cristian Crippa, in support of the petition, was submitted. Mr. Crippa's statement provides the last known address of the

nonsigning inventor. It does not provide any first hand knowledge of the attempts to obtain the signature of the non-signing inventor. Since Mr. Crippa did not prepare, or send the correspondence to non-signing inventor Tupputi and did not contact him thereafter, he does not have first hand knowledge of his refusal. Thus, from his statement it cannot be concluded that Mr. Tupputi refuses to sign the application.

Copies of the correspondence, sent to the nonsigning inventor on 01 December 2009, 20 April and 16 September 2010 by Luigi Cavestro, on behalf of the apparent assignee (Brembo S.p.A.), were attached to Grippa's statement along with an English translation. It appears that a copy of the international application was attached to the letter sent on 01 December 2009. However, the letters ask for Mr. Crippa's signature on the *Power of Attorney*, not on the declaration. This is not sufficient to conclude that the non-signing inventor refuses to sign the declaration. Applicant is reminded that a statement from one having first hand knowledge of the circumstances of the refusal is required.

It is noted that Appendix B was submitted as evidence of the presentation of the application papers and declaration to the non-signing inventor. However, Appendix B is not legible in USPTO EFS file. Confirmation regarding the delivery (presentation) of the application papers to the nonsigning inventor is needed. Thus, it cannot be concluded at this time that the nonsigning inventor was presented with a complete copy of the application papers. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal.[1] Item (2) is not yet satisfied.

---

[1] A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.
(Emphasis added.)

With regard to Item (3), the last known address of inventor TUPPUTI was provided. Item (3) is satisfied.

With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted a declaration signed by the joint inventor. However, the declaration is not acceptable as it does not identify the citizenship, residency and mailing address of all the inventors and thus is not in compliance with 37 CFR 1.497(a) and (b). Inventor Crippa need not sign in the area of the declaration identifying the non-signing inventor; his signature is only needed where his information is identified.

As discussed above, Items (2) and (4) are not satisfied. Thus, Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

MAILED

JUN 08 2011

PCT LEGAL ADMINISTRATION

SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 100
SILVER SPRING MD 20910

In re Application of CRIPPA et al.
Application No.: 12/666,713
PCT No.: PCT/IT07/00458
Int. Filing: 27 June 2007
Priority Date: none
Attorney Docket No.: 6449
For: PAD FOR DISC BRAKES

: DECISION ON
: PETITION
:UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 07 April 2011.

BACKGROUND

On 08 April 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 08 November 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor ANTONIO TUPPUTI, alleging that the inventor refuses to sign the application.

On 07 February 2011, a decision dismissing the petition was mailed to applicant.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1) and (3).

With respect to Item (2), the statement of co-inventor Cristian Crippa, in support of the

petition, was submitted. Mr. Crippa's statement of first hand knowledge provides the last known address of the nonsigning inventor and describes his attempts to obtain the signature of the non-signing inventor. Mr. Crippa states that the correspondence was sent to the nonsigning inventor by registered mail. However, the registered mail receipts relied upon to prove delivery of the correspondence to the non-signing inventor at his last known address are in the Italian language were not translated into the English language . Such translation is required. Item (2) is not yet satisfied.

With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted a declaration signed by the joint inventor. The declaration is acceptable as it meets the requirements of 37 CFR 1.497(a). The declaration does not identify the residency and mailing address of the inventors, which is provided in an Application Data Sheet.

As discussed above, Item (4) is satisfied. Item (2) above is not yet satisfied. Thus, Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OCT 11 2011

PCT LEGAL ADMINISTRATION

SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 100
SILVER SPRING MD 20910

In re Application of CRIPPA et al.
Application No.: 12/666,713
PCT No.: PCT/IT07/00458
Int. Filing: 27 June 2007
Priority Date: none
Attorney Docket No.: 6449
For: PAD FOR DISC BRAKES

: DECISION ON
: PETITION
:UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 8 August 2011.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 08 June 2011 and is incorporated herein by reference. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor ANTONIO TUPPUTI, alleging that the inventor refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4).

With respect to Item (2), the statement of co-inventor Cristian Crippa, in support of the petition, was submitted. Mr. Crippa's statement of first hand knowledge states that on 24 March 2011, he sent a copy of the application and declaration to the nonsigning inventor by registered mail. The registered mail receipts relied upon to prove delivery of the correspondence to the non-signing inventor at his last known address in the Italian language have been submitted with the English translation to show that a complete copy of the application papers was received by

the nonsigning inventor. Item (2) is now satisfied.

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 07 April 2011. The application has an international filing date of 27 June 2007 under 35 U.S.C. 363, and a date of 07 April 2011 under 35 U.S.C. 371©.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
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Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

OCT 11 2011

PCT LEGAL ADMINISTRATION

Antonio Tupputi
Via Don C. Gnocchi, 6
24040 Castel Rozzone, Bergamo
ITALY

In re Application of CRIPPA et al.
Application No.: 12/666,713
PCT No.: PCT/IT07/00458
Int. Filing: 27 June 2007
Priority Date: none
Attorney Docket No.: 6449
For: PAD FOR DISC BRAKES

Dear Mr. Tupputi:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 100
SILVER SPRING MD 20910

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

27557
BLANK ROME LLP
Watergate
600 New Hampshire Avenue, N.W.
Washington, DC 20037

MAILED

MAR 0 1 2011

PCT LEGAL ADMINISTRATION

In re Application of
O'DELL *et al*
U.S. Application No.: 12/666,725
PCT No.: PCT/US2008/068407
Int. Filing Date: 26 June 2008
Priority Date: 26 June 2007
Attorney Docket No.: 116686-00544
For: METHOD AND SYSTEM FOR DETECTING LUNG TUMORS AND NODULES

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the petition under 37 CFR 1.497(d) filed 15 November 2010.

BACKGROUND

On 16 September 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond.

On 15 November 2010, applicants filed the subject request to correct the inventorship under 37 CFR 1.497(d) which was accompanied by, *inter alia*, an executed declaration, a statement from an inventor being added, a $65.00 surcharge fee, and authorization to charge any required fee to Deposit Account No. 23-2185.

DISCUSSION

Applicants request to add Peng WANG as an inventor in the above-captioned national stage application.

37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of

any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Items (1) and (2) of 37 CFR 1.497(d) are satisfied in the subject petition.

With regards to item (3) of 37 CFR 1.497(d), applicants claim that the written consent of the assignee is required as no assignment has yet been executed. However, a review of the subject application shows that an assignment was executed by the inventors on 27 - 28 October 2010. The assignment was recorded in the above-captioned application on 15 November 2010. Since an assignment was executed prior to filing the petition, the written consent of the assignee is required.

Item (3) of 37 CFR 1.497(d) is not satisfied.

CONCLUSION

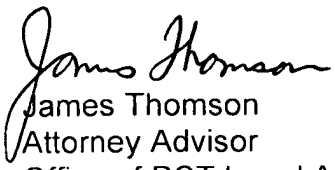
For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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27557
BLANK ROME LLP
Watergate
600 New Hampshire Avenue, N.W.
Washington, DC 20037

MAILED
JUN 21 2011
PCT LEGAL ADMINISTRATION

In re Application of :
O'DELL *et al* :
U.S. Application No.: 12/666,725 :
PCT No.: PCT/US2008/068407 :
Int. Filing Date: 26 June 2008 :
Priority Date: 26 June 2007 :
Attorney Docket No.: 116686-00544 :
For: METHOD AND SYSTEM FOR DETECTING LUNG TUMORS AND NODULES :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 28 April 2011.

BACKGROUND

On 01 March 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 28 April 2011, applicants filed the subject response which was accompanied by, *inter alia*, a consent statement of the assignee and a "Statement Under 37 CFR 3.73(b)."

DISCUSSION

Applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the original petition to add Peng WANG as an inventor as the consent of the assignee (University of Rochester) was not provided.

In the renewed petition, applicants provided the written consent of the assignee and a statement under 37 CFR 3.73(b) as required. The consent was signed by Ms. Marjorie D. Hunter who states that she is authorized to act on behalf of the assignee. This is sufficient. *See* MPEP § 324(V)(B). The reel and frame number of the assignment was provided in the statement under 37 CFR 3.73(b). Item (3) of 37 CFR 1.497(d) is complete.

All items of 37 CFR 1.497(d) are now satisfied.

CONCLUSION

Applicants' renewed request to add Peng WANG as an inventor pursuant to 37 CFR 1.497(d) is hereby **GRANTED**.

The declaration filed 15 November 2010 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 June 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 15 November 2010.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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.
12/666,781	12/24/2009	Masaki Sejimo	8073-1174	1758

466 7590 01/26/2011

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

EXAMINER	
TROST IV, WILLIAM GEORGE	
ART UNIT	**PAPER NUMBER**
2472	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of: SEJIMO, MASAKI
Application No. 12666781
Filed: December 24, 2009
For: LOAD DISTRIBUTION SYSTEM, LOAD DISTRIBUTION METHOD, AND AUTHENTICATION SERVER

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

JAN 25 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 13, 2011, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
- (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
- (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
- (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were

published in a language other than English); and (c) a statement that the English translation is accurate.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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P.O. Box 1450
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JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)
211 N. UNION STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of :
Rybon, Jan :
Application No. 12/666,792 : ON PETITION
Filed: April 7, 2010 :
Attorney Docket No. 234.002 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 copy of the applicant's Czech Republic birth certificate. 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 3744 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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The Dow Chemical Company
P.O. BOX 1967
Midland MI 48641

In re Application of	:	
DE SA et al.	:	
Application No.: 12/666,839	:	DECISION
PCT No.: PCT/IB2008/001651	:	
Int. Filing Date: 24 June 2008	:	
Priority Date: 28 June 2007	:	
Attorney Docket No.: 65318A	:	
For: CONTROL OF BACTERIA IN FERMENTATION PROCESSES	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 09 June 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 24 June 2008, applicants filed international application PCT/IB2008/001651, which designated the United States and claimed a priority date of 28 June 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 22 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 December 2009.

On 28 December 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 09 June 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a declaration of facts by Brenda Maida with documents in support thereof, and a declaration of facts by Raef Shaltout with documents in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has also been met. It has been established that the non-signing inventor Mr. Jose Sebastiao de Sa has reviewed the relevant application papers including the specification, claims, and drawings and that he refuses to execute the application.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **09 June 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Jose Sebastiao de Sa
Av D Jaime de Barros Camara 515, Ap 11C
09895400 Sao Bernardo do Campo
Brasil

In re Application of
DE SA et al.
Application No.: 12/666,839
PCT No.: PCT/IB2008/001651
Int. Filing Date: 24 June 2008
Priority Date: 28 June 2007
Attorney Docket No.: 65318A
For: CONTROL OF BACTERIA IN FERMENTATION PROCESSES

Dear Mr. Jose Sebastiao de Sa:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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The Dow Chemical Company
P.O. BOX 1967
Midland MI 48641

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APR 01 2011

PCT LEGAL ADMINISTRATION

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of:
MASSIE, Andrew, Edward, et al.
U.S. Application No.: 12/666,844
PCT No.: PCT/GB2008/002141
International Filing Date: 23 June 2008
Priority Date: 28 June 2007
Attorney's Docket No.: LSN-922-205
For: COMBINED CONTROL VALVE AND COUPLER

DECISION ON PETITION
(37 CFR 1.181)

This decision is issued in response to the "PETITION TO WITHDRAW ERRONEOUS NOTIFICATION OF ABANDONMNET AND CONTINGENT PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION" filed on 01 February 2011, treated herein under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 23 June 2008, applicants filed international application PCT/GB2008/002141. The international application claimed a priority date of 28 June 2007, and it designated the United States. On 31 December 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 December 2009.

On 28 December 2009, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 09 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 25 January 2011, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' failure to file a timely response to the Notification Of Missing Requirements mailed on 09 April 2010.

On 01 February 2011, applicants filed the petition considered herein under 37 CFR 1.181. The petition asserts that applicants filed a timely response to the Notification Of Missing

Requirements on 20 April 2010, including the required declaration, and that the holding of abandonment should therefore be withdrawn.

DISCUSSION

The present petition includes a copy of the materials filed by applicants on 20 April 2010 in response to the Notification Of Missing Requirements, including a Form PTO-1390 Transmittal Letter and an executed declaration. The petition also includes a copy of a return postcard that itemizes these materials and bears a USPTO receipt stamp dated 20 April 2010.

Based on the statements in the present petition and the return postcard bearing the 20 April 2010 USPTO receipt stamp, it is concluded that the materials accompanying the present petition, including the executed declaration, were originally filed on 20 April 2010 as a timely response to the Notification Of Missing Requirements mailed on 09 April 2010.

The holding of abandonment set forth in the Notification of Abandonment mailed 25 January 2011, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately withdrawn, as requested in the present petition.

CONCLUSION

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 25 January 2011 is hereby **VACATED**.

The declaration accompanying the present petition will be treated as having been originally filed herein on 20 April 2010.

This application is being returned to the National Stage Processing Branch of the Office of PCT operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 April 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

6 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of	:	
VERDI, Michele	:	
Application No.: 12/666,850	:	
PCT No.: PCT/IB2007/004109	:	NOTIFICATION
Int. Filing Date: 27 December 2007	:	
Priority Date: 28 June 2007	:	OF
Attorney Docket No.: FSP0586	:	
For: COMPENSATION OF MEASUREMENT ERRORS DUE TO DYNAMIC DEFORMATIONS IN A COORDINATE MEASURING MACHINE	:	ABANDONMENT

This decision is in response to applicants' petitions filed in the United States Patent and Trademark Office on 30 March 2010 and 27 May 2010.

BACKGROUND

On 28 December 2009, applicant filed, *inter alia*, a transmittal letter and identified the filing as a national phase under 35 USC 371 of PCT/IB2007/004109. Fees were not furnished.

On 30 March 2010, applicants filed Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (Form PTO/SB64/PCT), accompanied by an authorization to charge the basic national fee and the petition fee.

On 27 May 2010, applicants filed request to withdraw the 30 March 2010 petition to revive, an assertion that the 28 December 2009 was a filing under 35 USC 111(a) and a Petition Under 37 CFR 1.78(a)(3) to add a priority claim identifying the application as a continuation of the international application.

DISCUSSION

In section 1893.03(a) of the MPEP, the Office sets forth "How To Identify That an Application Is a U.S. National Stage Application." It states that the originally filed papers must clearly indicate that the filing is intended as a national phase entry and must not give instructions contrary to that. It further indicates that the submission of "Utility Patent Application Transmittal" (Form PTO/SB/05) or a benefit claim under 35 U.S.C. §120 to the international application are conflicting instructions that will result in the application being processed as a filing under 35 USC 111(a). Applicants did not make a benefit claim under 35 USC 120 to the international nor did applicants furnish Form PTO/SB/05.[1] Applicants

[1]The USPTO form "Utility Patent Application Transmittal" (Form PTO/SB/05) indicates it is only for filings under 37 CFR 1.53(b).

clearly indicated that 12/666,850 was intended as a filing under 35 USC 371 and did not furnish conflicting instructions.

Under 35 USC 371, applicant was required to furnish the basic national fee by thirty months from the priority date. The thirty month period expired on 28 December 2009. Applicants did not pay the basic national fee by that date. The international application PCT/IB2007/004109 is abandoned.

Applicant has withdrawn the petition under 37 CFR 1.137(b). As such, the Office will not act upon it.

Applicant filed a 37 CFR 1.78(a)(3) petition to add a benefit claim under 120 to the international application. As set forth in MPEP 1893.03(c), a national stage application filed 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 as its filing date is the date of filing of that international application. *See also* MPEP 1893.03(b). In this regard, since the international application is not an earlier application (it has the same filing date as the national stage), a priority claim in the national stage of the international application is inappropriate. Accordingly, it is not necessary for the applicant to amend the first sentence of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage under 35 U.S.C. § 371.

CONCLUSION

Applicant's petition under 37 CFR 1.78(a)(3) is **DISMISSED AS MOOT**.

This application is **ABANDONED**.

Any questions with regard to this decision may be directed to Erin Thomson at 571-272-3292.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
PCT Legal Administration

MAILED

OCT 15 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of :
VERDI, Michele :
Application No.: 12/666,850 :
PCT No.: PCT/IB2007/004109 :
Int. Filing Date: 27 December 2007 :
Priority Date: 28 June 2007 : DECISION
Attorney Docket No.: FSP0586 :
For: COMPENSATION OF MEASUREMENT: ERRORS DUE TO DYNAMIC DEFORMATIONS IN A COORDINATE MEASURING MACHINE :

This decision is in response to applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 30 August 2010.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The national fee has been paid. The petition fee will be charged to deposit account no. 50-1691, as authorized. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Pierce Atwood LLP
160 Federal Street, 10th Floor
Boston MA 02110

MAILED

FEB 03 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Joseph E. McIsaac	:	
Application No.: 12/666,871	:	
PCT No.: PCT/US2008/067959	:	PETITION UNDER
Int. Filing Date: 24 June 2008	:	
Priority Date: 25 June 2007	:	
Attorney's Docket No.: 081893-0129	:	37 CFR 1.47(b)
For: SYSTEM AND METHOD FOR GENERATING AN ELECTRONIC COMMUNICATION	:	

This decision is in response to petitioner's "Petition For Nonsigning Inventor" submitted on 03 December 2010, which is being treated as a petition under 37 CFR 1.47(b) requesting the acceptance of the application without the signature of the sole inventor Joseph E. McIsaac.

BACKGROUND

On 22 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 23 April 2010 a request for withdrawal as attorney and change of correspondence address was submitted.

On 29 June 2010, the Office dismissed the request as moot and, also, indicated that Pierce Atwood LLP would be receiving all future correspondence.

On 05 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the applicant by the international application number and international filing date." The notification further stated that all items must be submitted within two months from the date of mailing or by 32 months from the priority date for the application in order to avoid abandonment of the national stage application.

On 14 September 2010, a notice mailed indicating that applicant should use application number 12/666,871 for all future communication with the USPTO.

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) and the Notice, the 1.47(b) applicant filed on 03 December 2010, *inter alia*, a petition under 37 CFR 1.47(b), and an executed declaration without the signature of the sole inventor Joseph E. McIsaac.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The 1.47(b) applicant has satisfied items (2) - (4), but not items (1) and (5)- (6) thus not completing the requirements under 37 CFR 1.47(b).

The 1.47(b) applicant **has** not satisfied item (1) even though petitioner states that applicant submits the payment fee set forth in 1.17(g), the petition fee of $200.00 has not been provided with the petition.

Regarding requirement (2), Christopher E. Everett has provided sufficient evidence that Joseph E. McIsaac refused to sign the declaration. Mr. Everett has indicated that a complete set of application papers were mailed to Mr. McIsaac on August 27, 2010 and delivered on August 30, 2010 as it was left on the front door (no signature of receipt). The application papers were mailed again on October 8, 2010 and received by him on October 12, 2010 (signed by Mr. McIsaac showing receipt). However, the 1.47(b) applicant has not received any signed documents from him

Consequently, the petition does include sufficient factual proof that Mr. McIsaac refuses to sign the required papers.

Regarding item (3), the 1.47(b) applicant has stated the last known address of the soleinventor:

Joseph E. McIsaac
1603 Arboretum Way
Burlington, Massachusetts 01803-3842

Regarding item (4) a declaration has been provided executed by an appropriate officer of company, David G. Hughes (President & CEO) on behalf of the non-signing sole inventor, Joseph E. McIsaac.

Regarding item (6) 1.47(b) applicant has not presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) 1.47(b) applicant has not submitted proof that applicant has sufficient proprietary interest in the application. Mr. Everett's statement in the petition is not sufficient without additional corroborating evidence (i.e., an assignment), and no copy of an executed assignment (signed assignment by inventor McIssac) has been provided with this petition.

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by affidavit or declaration that those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment.

When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
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MAILED

MAY 13 2011

PCT LEGAL ADMINISTRATION

Pierce Atwood LLP
160 Federal Street, 10th Floor
Boston MA 02110

In re Application of	:	DECISION ON RENEWED
Joseph E. McIsaac	:	
Application No.: 12/666,871	:	
PCT No.: PCT/US2008/067959	:	PETITION UNDER
Int. Filing Date: 24 June 2008	:	
Priority Date: 25 June 2007	:	
Attorney's Docket No.: 081893-0129	:	37 CFR 1.47(b)
For: SYSTEM AND METHOD FOR GENERATING AN ELECTRONIC COMMUNICATION	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 22 March 2011 that seeks the acceptance of the application without the signature of sole inventor Joseph E. McIsaac.

BACKGROUND

In a decision from this Office on 03 February 2011, the petition filed on 03 December 2010 was dismissed because 37 CFR 1.47(b) applicant did not satisfy items (1) and (5) – (6) under 37 CFR 1.47(b).

On 22 March 2011, applicant filed a renewed petition which includes, inter alia, declaration by Mr. Hughes and the Inventions and Non-Disclosure Agreement.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has now satisfied requirements (1) and (5) – (6) of 37 CFR 1.47(b), thus completing the all requirements under 37 CFR 1.47(b).

Regarding requirement (1), the petition fee of $200.00 set forth in 1.17(g) has been charged to the Deposit Account No.: 50-4514.

Regarding item (5), applicant has submitted proof that applicant has sufficient proprietary interest in the application because applicant has established applicant's right to take action under 37 CFR §3.73(b) as the executed assignment as been recorded at Reel No.024503/ Frame No. 0154.

Regarding item (6), applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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MAILED

MAY 13 2011

PCT LEGAL ADMINISTRATION

Joseph E. McIsaac
1603 Arboretum Way
Burlington, Massachusetts 01803-3842

In re Application of	:	DECISION ON RENEWED
Joseph E. McIsaac	:	
Application No.: 12/666,871	:	
PCT No.: PCT/US2008/067959	:	PETITION UNDER
Int. Filing Date: 24 June 2008	:	
Priority Date: 25 June 2007	:	
Attorney's Docket No.: 081893-0129	:	37 CFR 1.47(b)
For: SYSTEM AND METHOD FOR GENERATING AN ELECTRONIC COMMUNICATION	:	

Dear Mr. McIsaac:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Pierce Atwood LLP
160 Federal Street, 10th Floor
Boston MA 02110

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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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON, DC 20037

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of Ralf Lerner :
Application No. 12/666,880 :
Int'l Filing Date: June 27, 2008 : Decision on Request
Attorney Docket No. 64981.000084 :
Pub. No.: US 2010/0308432 A1 :
Pub. Date: December 9, 2010 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 1, 2011.

The request is **dismissed**.

Applicant requests the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistake identified in the instant request is not a material mistake as required under 37 C.F.R. § 1.1221(b). Specifically, the mistake does not affect the public's ability to appreciate the

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicant is advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and include the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/666,891	02/04/2010	Masatoshi Nakamura	P37830	2694

52123 7590 10/26/2010

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
10/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 25, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Masatoshi Nakamura et al.	:	PARTICIPATE IN PATENT
Serial No. 12/666,891	:	PROSECUTION HIGHWAY
Filed: December 28, 2009	:	PROGRAM AND
For: FUEL TREATMENT DEVICE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 24, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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.
12/666,900	02/03/2010	Hiroyuki Morioka	AK-557XX	2750

207 7590 01/31/2011

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER	
ALEJANDRO, RAYMOND	
ART UNIT	PAPER NUMBER
1727	

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
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Alexandria, VA 22313-1450
www.uspto.gov

January 31, 2011 CST

In re application of	:	DECISION ON REQUEST TO
Hiroyuki Morioka et al	:	PARTICIPATE IN PATENT
Serial No. 12/666,900	:	PROSECUTION HIGHWAY
Filed: February 3, 2010	:	PROGRAM AND
For: MEMBRANE AND ELECTRODE	:	PETITION TO MAKE SPECIAL
ASSEMBLY AND METHOD OF	:	UNDER 37 CFR 1.102(a)
PRODUCING THE SAME	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed November 8, 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).

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).

Several of the independent claims of the US application do not appear to sufficiently correspond to the allowable claims in the JPO application.

First, independent claim 12 of the present application is drawn to a substrate, however none of the claims in the JPO application are drawn to a substrate. Note also claims 13-16 of the present application which depend on claim 12.

Next, independent claim 1 is broader than the allowable claims in the JPO application. Note for example, that claim 1 of the JPO application requires specific steps (1) to (3) which are not recited in present claim 1. Note also claims 2-6 which depend on claim 1.

Also, independent claim 7 does not appear to sufficiently correspond to the allowable claims in the JPO application. First, it appears that claim 7 is in some respects more narrow than claim 1 of the JPO application. For example, claim 7 includes the limitation in step (1) that the "volumes of fine pores formed in the catalyst layers being different

from each other", however this limitation is not found in the allowable JPO claims. Note that the OG Notice of January 25, 2010 indicates that claims are considered to "sufficiently correspond" in the situation where the claims in the US application are narrower in scope that the allowable claims in the Japanese application, however, the additional limitation must be presented in dependent form.

Also, independent claim 7 does not include the limitations in step (2) of claim 1 of the JPO application of "a step of giving a temperature to the opposite side of the substrate of the coating film higher than. . . .dried to remove the solvent".

Applicant is encouraged to review and compare present claim 7 to those claims indicated as allowable by the JPO as there are many instances where the claim is both more narrow than the claims indicated as allowable by the JPO and broader than the claims indicated as allowable by the JPO. Note also claims 10 and 11 which depend on claim 7.

It is further noted that the coversheet for the PPH request requests participation in the PCT – PPH Pilot program between the JPO and the USPTO, however the claims submitted were actually indicated as allowable by the JPO (rather than during the PCT) and that the prior office action submitted was actually from the JPO (rather than the international work product). Accordingly, this request has been treated as a request for participation in the PPH program between the JPO and the USPTO.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/666,900	02/03/2010	Hiroyuki Morioka	AK-557XX	2750

207 7590 03/02/2011

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER	
ALEJANDRO, RAYMOND	
ART UNIT	**PAPER NUMBER**
1727	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CST

March 2, 2011

In re application of	:	DECISION ON REQUEST TO
Hiroyuki Morioka et al	:	PARTICIPATE IN PATENT
Serial No. 12/666,900	:	PROSECUTION HIGHWAY
Filed: February 3, 2010	:	PROGRAM AND
For: MEMBRANE AND ELECTRODE	:	PETITION TO MAKE SPECIAL
ASSEMBLY AND METHOD OF	:	UNDER 37 CFR 1.102(a)
PRODUCING THE SAME	:	

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed February 24, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

OCT 08 2010

PCT LEGAL ADMINISTRATION

In re Application of SHIMIZU et al :
U.S. Application No.: 12/666,938 :
PCT Application No.: PCT/JP2008/061839 :
Int. Filing Date: 30 June 2008 :
Priority Date Claimed: 29 June 2007 : DECISION
Attorney Docket No.: 352433US0PCT :
For: PHOSPHOR, METHOD FOR PRODUCING :
PHOSPHOR, PHOSPHOR-CONTAINING :
COMPOSITION, AND LIGHT-EMITTING DEVICE :

This is in response to applicant's correspondence filed 21 June 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 30 June 2008, applicant filed international application PCT/JP2008/061839, which claimed priority of an earlier Japan application filed 29 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired on 29 December 2009.

On 29 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 June 2010, applicant filed the present request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 21 June 2010 states that inventor Etsuo Shimizu is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 21 June 2010 fails to state the citizenship of the first inventor as required by 37 CFR 1.497(a)(3).

Furthermore both the declaration filed 24 March 2010 and the declaration filed 21 June 2010 do not satisfy 37 CFR 1.69(b).

37 CFR 1.69(b) states,

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

The declarations do not use an official form provided by the USPTO, i.e. USPTO Form PTO/SB/106. Applicant must submit either: (1) declarations using USPTO Form PTO/SB/106 or (2) a statement that the respective translations contained in the submitted declarations are accurate.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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DEC 30 2010

PCT LEGAL ADMINISTRATION

In re Application of SHIMIZU et al :
U.S. Application No.: 12/666,938 :
PCT Application No.: PCT/JP2008/061839 :
Int. Filing Date: 30 June 2008 :
Priority Date Claimed: 29 June 2007 : DECISION
Attorney Docket No.: 352433US0PCT :
For: PHOSPHOR, METHOD FOR PRODUCING :
PHOSPHOR, PHOSPHOR-CONTAINING :
COMPOSITION, AND LIGHT-EMITTING DEVICE :

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed on 08 December 2010.

BACKGROUND

On 30 June 2008, applicant filed international application PCT/JP2008/061839, which claimed priority of an earlier Japan application filed 29 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired on 29 December 2009.

On 29 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 June 2010, applicant filed a request for status under 37 CFR 1.42.

On 08 October 2010, this Office mailed a decision dismissing the 21 June 2010 request.

On 08 December 2010, applicant filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 08 December 2010 states that inventor Etsuo Shimizu is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed 08 December 2010 do not satisfy 37 CFR 1.69(b).

37 CFR 1.69(b) states,

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

The purported statement regarding the translation contained within the declarations is notarized but does not appear to be signed by the person making the statement. Furthermore, the statement does not indicate the name of the person making the statement. Applicant is advised that the statement may be made by the practitioner and need not be notarized.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22314

MAILED

APR 06 2011

PCT LEGAL ADMINISTRATION

In re Application of SHIMIZU et al :
U.S. Application No.: 12/666,938 :
PCT Application No.: PCT/JP2008/061839 :
Int. Filing Date: 30 June 2008 :
Priority Date Claimed: 29 June 2007 :
Attorney Docket No.: 352433US0PCT :
For: PHOSPHOR, METHOD FOR PRODUCING PHOSPHOR, PHOSPHOR-CONTAINING COMPOSITION, AND LIGHT-EMITTING DEVICE :

DECISION

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed on 09 February 2011.

BACKGROUND

On 30 June 2008, applicant filed international application PCT/JP2008/061839, which claimed priority of an earlier Japan application filed 29 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired on 29 December 2009.

On 29 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 June 2010, applicant filed a request for status under 37 CFR 1.42.

On 08 October 2010, this Office mailed a decision dismissing the 21 June 2010 request.

On 08 December 2010, applicant filed a renewed request for status under 37 CFR 1.42.

On 30 December 2010, this Office mailed a decision dismissing the 08 December 2010 request.

On 09 February 2011, applicant filed the instant second renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 08 December 2010 states that inventor Etsuo Shimizu is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed 08 December 2010 are in compliance with 37 CFR 1.42 and 1.497 in view of the notarized statement filed on 09 February 2011.

CONCLUSION

For the reasons above, the second renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 December 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/666,954	Filing date:	December 28, 2009
First Named Inventor:	Kazufumi OGAWA		
Title of the Invention:	METAL MOLD, PROCESS FOR MANUFACTURING THE SAME, AND MOLDED ARTICLE PRODUCED USING THE MOLD		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2008/052620

The international date of the corresponding PCT application(s) is/are: 18 February 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/666,954
First Named Inventor:	Kazufumi OGAWA

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 28 December 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 28 December 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Substantially identical claims (amended for form on 3/25/10)
3-11	3-11	Correspond to multiple dependent claims in PCT app. amended for form on 3/25/10
12-13	12-13	Substantially identical claims (amended for form on 3/25/10)
14-15	14-15	Correspond to multiple dependent claims in PCT app. amended for form on 3/25/10
16-17	16-17	Substantially identical claims (amended for form on 3/25/10)
18-20	18-20	Correspond to multiple dependent claims in PCT app. amended for form on 3/25/10

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Paul G. Johnson/ Reg # 58539	Date 2011-01-05
Name (Print/Typed) Paul G. Johnson	Registration Number 58539

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.

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)

(PCT Rule 44bis.1(c))

To:

INABA, Yoshiyuki
TMI ASSOCIATES
23rd Floor, Roppongi Hills Mori Tower
6-10-1, Roppongi
Minato-ku, Tokyo 1086123
JAPON

RECEIVED
SEP 10 2010
TMI

Date of mailing *(day/month/year)*
02 September 2010 (02.09.2010)

Applicant's or agent's file reference
XX030AAP0001

IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/052620	18 February 2008 (18.02.2008)	

Applicant
OGAWA, Kazufumi

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Gijsbertus Beijer

e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference XX030AAP0001	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/052620	International filing date *(day/month/year)* 18 February 2008 (18.02.2008)	Priority date *(day/month/year)*
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant OGAWA, Kazufumi		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 24 August 2010 (24.08.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pt07.pct@wipo.int

Form PCT/IB/373 (January 2004)

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
　稲葉　良幸

様

あて名
〒106-6123
日本国東京都港区六本木６－１０－１　六本木ヒルズ森タワー２３階　ＴＭＩ総合法律事務所

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	２０．０５．２００８
出願人又は代理人 の書類記号　XX030AAP0001	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００８／０５２６２０	（日.月.年）　１８．０２．２００８	（日.月.年）

国際特許分類（ＩＰＣ）Int.Cl. B29C33/62(2006.01)i, B29C33/44(2006.01)i, B29C33/58(2006.01)i

出願人（氏名又は名称）
小川　一文

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☑ 第Ⅶ欄　国際出願の不備
- ☑ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
０９．０５．２００８

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 山本　晋也	4F　3852
	電話番号　０３　３５８１－１１０１　内線　３４３０	

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

国際調査機関の見解書

国際出願番号　PCT／JP2008／052620

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿＿＿語に翻訳された、この国際出願の翻訳文
（PCT規則12.3(a)及び23.1(b)）

2．☐ この見解書は、PCT規則91の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（PCT規則43の2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２００８／０５２６２０

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1． 見解

新規性（Ｎ）	請求の範囲	1-23	有
	請求の範囲	24	無
進歩性（ＩＳ）	請求の範囲	1-23	有
	請求の範囲	24	無
産業上の利用可能性（ＩＡ）	請求の範囲	1-24	有
	請求の範囲		無

2． 文献及び説明

文献１：JP 2005-280020 A（小川一文）2005.10.13,
特許請求の範囲，段落【０００５】－【０００８】，
【０１０９】－【０１３３】，【０１４８】－【０１５１】，
図１－３（ファミリーなし）

文献２：JP 2000-026608 A（旭硝子株式会社）2000.01.25,
特許請求の範囲，段落【００１０】，【００１２】
（ファミリーなし）

文献３：JP 5-230215 A（昭和電工株式会社）1993.09.07,
特許請求の範囲，段落【０００４】－【０００６】
（ファミリーなし）

○請求の範囲２４

請求の範囲２４に係る発明は、国際調査報告で引用された文献１により、新規性及び進歩性を有しない。

文献１には、フッ化炭素と炭化水素基とアルコキシシリル基を主成分とする物質とアルコキシシリル基を主成分とする物質とを、シラノール縮合触媒を用いて反応させ、金型表面に離型性被膜を形成させることが記載されている（特許請求の範囲参照）。

そして、該被膜の物性として、膜厚が５ｎｍ、臨界表面エネルギーが８～２０ｍＮ／ｍであって、撥水撥油性、成形耐久性、成型物の流動性及び入り込み性に優れており、その結果、離型剤塗布が不要となり成型物への離型剤の付着防止が可能となることが記載されている（特許請求の範囲、段落【０００５】－【０００８】、【０１０９】－【０１３３】，【０１４８】－【０１５１】参照）。

文献１に記載された離型性被膜の上記物性と、本願発明に係る離型性被膜における膜厚５ｎｍ及び臨界表面エネルギー５～２０ｍＮ／ｍ等の物性（特許請求の範囲、実施例等参照）はほぼ同等であるものと認められることから、文献１に記載された金型を用いて作製した成型品と、本願発明に係る金型を用いて作製した成型品とに差異はない。

第Ⅶ欄　国際出願の不備

この国際出願の形式又は内容について、次の不備を発見した。

○請求の範囲１９

請求の範囲１９に記載された「アルコキシシリルキ基」とは、「アルコキシシリル基」の誤記である。

第Ⅷ欄　国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

○請求の範囲９

請求の範囲９に係る発明は、請求の範囲１乃至８を引用し、「有機含フッ素エーテル基または有機含フッ素ポリエーテル基が下記式（化１または化２）に示した官能基である」と二種のエーテル基を具体的に特定するものである。

しかしながら、「有機含フッ素エーテル基」又は「有機含フッ素ポリエーテル基」に関する記載は、請求の範囲８においてのみ見られるものであり、請求の範囲１乃至７を引用した場合における発明の技術的意味が不明である。

また、請求の範囲８を引用するものであったとしても、単なる「有機含フッ素エーテル基または有機含フッ素ポリエーテル基」との記載では、二種のエーテル基が何に含まれるものであるのかが明確ではなく、「前記」「有機含フッ素エーテル基または有機含フッ素ポリエーテル基」等の記載とするべきである。

本国際調査は、明細書の内容を参酌し、請求の範囲９に係る発明が、請求の範囲８に記載される、有機含フッ素エーテル基又は有機含フッ素ポリエーテル基を主成分とする長鎖物質における、前記二種のエーテル基を特定するものとして調査を行った。

補充欄

いずれかの欄の大きさが足りない場合

第 V 欄の続き

○請求の範囲１－２３

請求の範囲１－２３に係る各発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性及び進歩性を有する。特に、離型性被膜を、フッ化炭素と炭化水素基とアルコキシシリル基を主成分とする物質とアルコキシシリル基を主成分とする物質に加えて、「フッ化炭素と炭化水素基を主成分とする長鎖物質」となるように形成させることが記載も示唆もされていない。

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44bis.3(c) and 72.2)

To:

INABA, Yoshiyuki
TMI ASSOCIATES
23rd Floor, Roppongi Hills Mori Tower
6-10-1, Roppongi
Minato-ku, Tokyo 1066123
JAPON

Date of mailing *(day/month/year)*
14 October 2010 (14.10.2010)

Applicant's or agent's file reference
XX030AAP0001

IMPORTANT NOTIFICATION

International application No.
PCT/JP2008/052620

International filing date *(day/month/year)*
18 February 2008 (18.02.2008)

Applicant
OGAWA, Kazufumi

RECEIVED
OCT 22 2010
TMI ASSOCIATES

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I)

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Gijsbertus Beijer

e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference XX030AAP0001	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/052620	International filing date *(day/month/year)* 18 February 2008 (18.02.2008)	Priority date *(day/month/year)*
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant OGAWA, Kazufumi		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 05 October 2010 (05.10.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pt07.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference **XX030AAP0001**	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/052620	**18.02.2008**	

International Patent Classification (IPC) or both national classification and IPC

Applicant
OGAWA, Kazufumi

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/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/052620

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/052620

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	1-23	YES
	Claims	24	NO
Inventive step (IS)	Claims	1-23	YES
	Claims	24	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2005-280020 A (Kazufumi OGAWA), 13 October 2005, claims, paragraphs [0005] to [0008], [0109] to [0133] and [0148] to [0151], fig. 1 to 3 (Family: none)

Document 2: JP 2000-026608 A (Asahi Glass Co., Ltd.), 25 January 2000, claims, paragraphs [0010] and [0012] (Family: none)

Document 3: JP 5-230215 A (Showa Denko Kabushiki Kaisha), 07 September 1993, claims, paragraphs [0004] to [0006] (Family: none)

Claim 24

The invention as in claim 24 lacks novelty and does not involve an inventive step in view of document 1 cited in the ISR.

Document 1 describes forming a mold release film on the surface of a mold by reacting a substance composed mainly of fluorocarbon, a hydrocarbon group and an alkoxysilyl group with a substance composed mainly of an alkoxysilyl group using a silanol condensation catalyst (see claims).

In addition, document 1 indicates that the properties of

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

said film are a film thickness of 5 nm, a critical surface energy of 8 to 20 mN/m; and excellence in water and oil repellent properties, molding durability, and fluidity and entering properties of the molded product; and that, as a result, the need for application of a mold release agent is eliminated, thereby preventing the sticking of a mold release agent to the molded product (see claims; paragraphs [0005] to [0008], [0109] to [0133] and [0148] to [0151]).

Since it is considered that the abovementioned properties of the mold release film described in document 1 and the properties of the mold release film of the invention of the present application such as a film thickness of 5 nm and a critical surface energy of 5 to 20 mN/m (see claims, examples, etc.) are substantially same, there is no difference between the molded article prepared by using the mold described in document 1 and the molded article prepared by using the mold of the present invention.

Claims 1-23

The invention as in claims 1-23 is not described in any of the documents cited in the ISR, and thus is novel and involves an inventive step. In particular, forming a mold release film by mixing a substance composed mainly of fluorocarbon, a hydrocarbon group and an alkoxysilyl group with a substance composed mainly of an alkoxysilyl group so as to obtain a "long-chain substance composed mainly of fluorocarbon and a hydrocarbon group" is neither described nor suggested.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/052620

Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claim 19

"アルコキシシリル基" is erroneously written as "アルコキシシリルキ基" in the Japanese text of claim 19.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/052620

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 9

The invention as in claim 9 cites claims 1 to 8 and prescribes two types of ether groups specifically in the wording "organic fluoroether group or organic fluoropolyether group is any of functional groups represented by the following formulas (formula (1) or formula (2))".

However, the recitation concerning "organic-containing fluoroether group" or "organic fluoropolyether group" appears only in claim 8, and the technical meaning of the invention in the case of citing claims 1 to 7 is ambiguous.

Further, even if claim 8 is cited, the mere expression "organic fluoroether group or organic fluoropolyether group" is not clear as to what contains the two types of ether groups. The expression should be, for example, "the aforementioned" "organic fluoroether group or organic fluoropolyether group".

This international search has been carried out in light of the contents of the description on the assumption that the invention as in claim 9 specifies the two types of ether groups of long-chain substance composed mainly of organic fluoroether group or organic fluoropolyether group described in claim 8.

請求の範囲

[1] 表面に高耐久性の離型性複合膜が形成された金型であって、前記被膜が、フッ化炭素基と炭化水素基を主成分とする長鎖物質とフッ化炭素基と炭化水素基とシリル基を主成分とする短鎖物質とシロキサン基を主成分とする物質を含む複合膜であることを特徴とする離型性金型。

[2] フッ化炭素基と炭化水素基を主成分とする長鎖物質の分子長がフッ化炭素基と炭化水素基とシリル基を主成分とする短鎖物質の分子長の2倍以上であることを特徴とする請求項1に記載の離型性金型。

[3] フッ化炭素基と炭化水素基を主成分とする長鎖物質がフッ化炭素基と炭化水素基を含む側鎖を持っていることを特徴とする請求項1および2に記載の離型性金型。

[4] フッ化炭素基と炭化水素基を主成分とする長鎖物質とフッ化炭素基と炭化水素基とシリル基を主成分とする短鎖物質が、シロキサン基を主成分とする物質よりなるシリカ膜中で前記シリル基を介して前記シリカ膜および／または金型表面に結合固定されていることを特徴とする請求項1乃至3に記載の離型性金型。

[5] フッ化炭素基と炭化水素基を主成分とする長鎖物質とフッ化炭素基と炭化水素基とシリル基を主成分とする短鎖物質とシロキサン基を主成分とする物質が、それぞれシリル基およびシロキサン基を介して互いにまたは個々に金型表面に結合固定されていることを特徴とする請求項1乃至3に記載の離型性金型。

[6] 離型性複合膜に含まれるフッ化炭素基と炭化水素基を主成分とする長鎖物質とフッ化炭素基と炭化水素基とシリル基を主成分とする短鎖物質とシロキサン基を主成分とする物質の分子組成比が、1:10:10～1:0．1:0．1であることを特徴とする請求項1乃至5に記載の離型性金型。

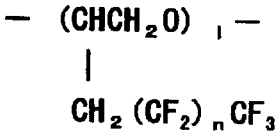
[7] 表面に離型性複合膜が形成された金型であって、前記被膜が、少なくともフッ化炭素基と炭化水素基を主成分とする長鎖物質を含み前記被膜の臨界表面エネルギーが5～20mN／mに制御されていることを特徴とする請求項1乃至6に記載の離型性金型。

[8] フッ化炭素基と炭化水素基を主成分とする長鎖物質が有機含フッ素エーテル基または有機含フッ素ポリエーテル基を主成分とする長鎖物質であることを特徴とする請

求項1乃至7に記載の離型性金型。

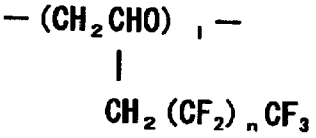
[9] 有機含フッ素エーテル基または有機含フッ素ポリエーテル基が下記式(化1または化2)に示した官能基であることを特徴とする請求項1乃至8に記載の離型性金型。

[化1]



(l、nは整数)

[化2]



(l、nは整数)

[10] 離型性複合膜がシリカ膜を介して形成されていることを特徴とする請求項1乃至9に記載の離型性金型。

[11] 複合膜がさらにメチルシリル基を含んでいることを特徴とする請求項1乃至10に記載の離型性金型。

[12] 少なくともフッ化炭素基と炭化水素基を主成分とし且つアルコキシシリル基を含む長鎖物質(1)とフッ化炭素基および炭化水素基およびアルコキシシリル基を主成分とする短鎖物質(2)とアルコキシシリル基を主成分とする物質(3)とシラノール縮合触媒とを有機溶媒で希釈した複合膜形成溶液に金型表面を接触させて反応させ離型性複合膜を形成する工程を含むことを特徴とする離型性金型の製造方法。

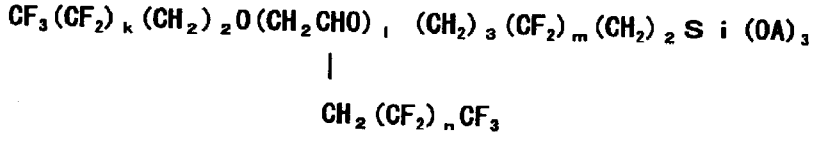
[13] 少なくともフッ化炭素基と炭化水素基を主成分とし且つアルコキシシリル基を含む長鎖物質(1)とフッ化炭素基および炭化水素基およびアルコキシシリル基を主成分とする短鎖物質(2)とアルコキシシリル基を主成分とする物質(3)とシラノール縮合触媒とを有機溶媒で希釈した複合膜形成溶液に金型表面を接触させて反応させ被膜を形成する工程と、前記金型表面の余分な溶液を有機溶媒を用いて洗浄除去またはふき取り除去する工程とを含むことを特徴とする離型性金型の製造方法。

[14] フッ化炭素基と炭化水素基を主成分とし且つアルコキシシリル基を含む長鎖物質(1)とフッ化炭素基および炭化水素基およびアルコキシシリル基を主成分とする短鎖物質(2)とアルコキシシリル基を主成分とする物質(3)の分子混合比を、1:10:10～1:0.1:0.1にしておくことを特徴とする請求項12および13に記載の離型性金型の製造方法。

[15] 少なくともフッ化炭素基と炭化水素基を主成分とし且つアルコキシシリル基を含む長鎖物質(1)として有機含フッ素エーテル基または有機含フッ素ポリエーテル基およびアルコキシシリル基を含む長鎖物質を用いることを特徴とする請求項12乃至14に記載の離型性金型の製造方法。

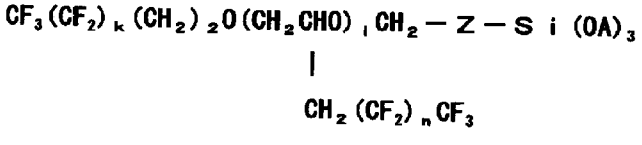
[16] 有機含フッ素エーテル基または有機含フッ素ポリエーテル基およびアルコキシシリル基を含む長鎖物質として下記式(化3または4)に示した物質を用い、

[化3]



(Aはアルキル基、OAはClまたはNCOでも良い。k、l、m、nは整数。)

[化4]



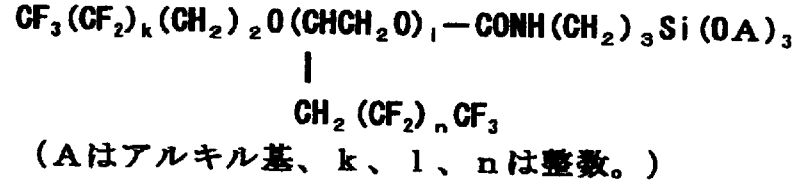
(Aはアルキル基、OAは、ClまたはNCOでも良い。Zは、直鎖状の官能基で(CH_2)$_m$、O(CH_2)$_m$、または(CH_2)$_2$O(CH_2)$_m$O(CH_2)$_2$、k、l、m、nは整数。)

フッ化炭素基と炭化水素基とアルコキシシリル基を主成分とする短鎖物質(2)として$CF_3-(CF_2)_o-(CH_2)_2-Si(OA)_3$(添え字のoは整数、Aはアルキル基、OAはClまたはNCOでも良い。)を用い、アルコキシシリルキ基を主成分とする物質(3)として

$(AO)_3Si(OSi(OA)_2)_pOA$（pは0または整数、Aはアルキル基、OAはClまたはNCOでも良い。）を用いることを特徴とする請求項15に記載の離型性金型の製造方法。

[17] 有機含フッ素エーテル基または有機含フッ素ポリエーテル基およびアルコキシシリル基を含む長鎖物質として、下記式（化5）に示した物質を用い、

[化5]



（Aはアルキル基、k、l、nは整数。）

フッ化炭素基と炭化水素基とアルコキシシリル基を主成分とする短鎖物質（2）として$CF_3-(CF_2)_o-(CH_2)_2-Si(OA)_3$（添え字のoは整数、Aはアルキル基。）を用い、アルコキシシリルキ基を主成分とする物質（3）として$(AO)_3Si(OSi(OA)_2)_pOA$（Pは0または整数、Aはアルキル基。）を用いることを特徴とする請求項15に記載の離型性金型の製造方法。

[18] シラノール縮合触媒の代わりに、ケチミン化合物、又は有機酸、アルジミン化合物、エナミン化合物、オキサゾリジン化合物、アミノアルキルアルコキシシラン化合物、あるいはTiO_2等の金属酸化物を用いることを特徴とする請求項12乃至17に記載の離型性金型の製造方法。

[19] シラノール縮合触媒にケチミン化合物、又は有機酸、アルジミン化合物、エナミン化合物、オキサゾリジン化合物、アミノアルキルアルコキシシラン化合物および／あるいはTiO_2等の金属酸化物を混合して用いることを特徴とする請求項12乃至17に記載の離型性金型の製造方法。

[20] 有機溶媒としてフッ化炭素系有機溶媒を用いることを特徴とする請求項12乃至19に記載の離型性金型の製造方法。

[21] 複合膜形成前にあらかじめ金型表面にシリカ膜を形成しておくことを特徴とする請求項12乃至20に記載の離型性金型の製造方法。

[22] 複合膜形成後、250～450℃で加熱することを特徴とする請求項12乃至21に記

載の離型性金型の製造方法。

[23] 複合膜形成後、さらにメチルシリル基を含んだ物質を溶かした溶液で処理することを特徴とする請求項12乃至21に記載の離型性金型の製造方法。

[24] 請求項1乃至11の金型を用いて作製した離型剤が付着してない成型品。

CLAIMS

1. A releasable mold having a highly durable releasable composite film formed on a surface thereof, wherein the film is a composite film comprising a long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group, a short-chain substance mainly comprising a fluorocarbon group, a hydrocarbon group, and a silyl group, and a substance mainly comprising a siloxane group.

2. The releasable mold according to claim 1, wherein a molecule length of the long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group is twice or more of a molecule length of the short-chain substance mainly comprising a fluorocarbon group, a hydrocarbon group, and a silyl group.

3. The releasable mold according to claims 1 and 2, wherein the long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group has a side chain comprising a fluorocarbon group and a hydrocarbon group.

4. The releasable mold according to claims 1 to 3, wherein the long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group and the short-

chain substance mainly comprising a fluorocarbon group, a hydrocarbon group, and a silyl group are bound and fixed to a silica film comprising a substance mainly comprising a siloxane group and/or to a mold surface via the silyl group in the silica film.

5. The releasable mold according to claims 1 to 3, wherein the long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group, the short-chain substance mainly comprising a fluorocarbon group, a hydrocarbon group, and a silyl group, and the substance mainly comprising a siloxane group are bound and fixed to each other or independently to a mold surface via the silyl group and the siloxane group, respectively.

6. The releasable mold according to claims 1 to 5, wherein a molecular composition ratio of the long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group, the short-chain substance mainly comprising a fluorocarbon group, a hydrocarbon group, and a silyl group, and the substance mainly comprising a siloxane group contained in the releasable composite film is in a range of from 1:10:10 to 1:0.1:0.1.

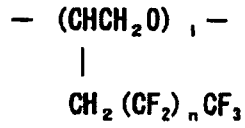
7. The releasable mold according to claims 1 to 6, the mold having the releasable composite film is formed on the surface thereof, wherein the film comprises a long-

chain substance mainly comprising at least a fluorocarbon group and a hydrocarbon group, and has a critical surface energy controlled in a range of from 5 to 20 mN/m.

8. The releasable mold according to claims 1 to 7, wherein the long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group is a long-chain substance mainly comprising an organic fluorine-containing ether group or an organic fluorine-containing polyether group.

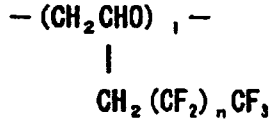
9. The releasable mold according to claims 1 to 8, wherein the organic fluorine-containing ether group or the organic fluorine-containing polyether group is a functional group represented by any of the following formulae (Formula 1 or Formula 2):

[Formula 1]



(l and n each represent an integer)

[Formula 2]



(l and n each represent an integer)

10. The releasable mold according to claims 1 to 9, wherein the releasable composite film is formed via a silica film.

11. The releasable mold according to claims 1 to 10, wherein the composite film further comprises a methylsilyl group.

12. A method for manufacturing a releasable mold, comprising a step of bringing a mold surface into contact with a composite film-forming solution to allow them to react with each other to form a releasable composite film, the solution being obtained by diluting, with an organic solvent, a long-chain substance (1) mainly comprising at least a fluorocarbon group and a hydrocarbon group and comprising an alkoxysilyl group, a short-chain substance (2) mainly comprising a fluorocarbon group, a hydrocarbon group, and an alkoxysilyl group, a substance (3) mainly comprising an alkoxysilyl group, and a silanol condensation catalyst.

13. A method for manufacturing a releasable mold, comprising the steps of: bringing a mold surface into contact with a composite film-forming solution to allow to react with each other to form a film, the solution being obtained by diluting, with an organic solvent, a long-chain substance (1) mainly comprising at least a

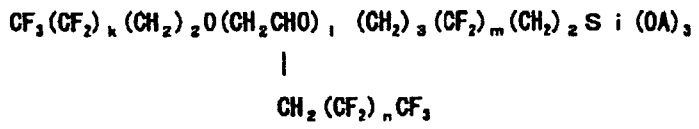
fluorocarbon group and a hydrocarbon group and comprising an alkoxysilyl group, a short-chain substance (2) mainly comprising a fluorocarbon group, a hydrocarbon group, and an alkoxysilyl group, a substance (3) mainly comprising an alkoxysilyl group, and a silanol condensation catalyst; and removing excess solution on the mold surface by washing or wiping with an organic solvent.

14. A method for manufacturing a releasable mold according to claims 12 and 13, wherein a molecular mixing ratio of the long-chain substance (1) mainly comprising a fluorocarbon group and a hydrocarbon group and comprising an alkoxysilyl group, the short-chain substance (2) mainly comprising a fluorocarbon group, a hydrocarbon group, and an alkoxysilyl group, and the substance (3) mainly comprising an alkoxysilyl group is in a range of from 1:10:10 to 1:0.1:0.1.

15. The method for manufacturing a releasable mold according to claims 12 to 14, comprising using a long-chain substance comprising an organic fluorine-containing ether group or an organic fluorine-containing polyether group and an alkoxysilyl group as the long-chain substance (1) mainly comprising at least a fluorocarbon group and a hydrocarbon group and comprising an alkoxysilyl group.

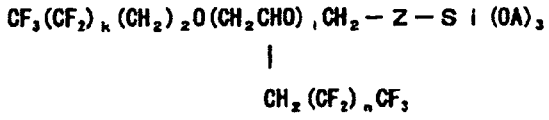
16. The method for manufacturing a releasable mold according to claim 15, comprising using a substance represented by any of the following formulae (Formula 3 or 4) as the long-chain substance comprising an organic fluorine-containing ether group or an organic fluorine-containing polyether group and an alkoxysilyl group;

[Formula 3]



(A represents an alkyl group; OA may represent Cl or NCO; and k, l, m, and n each represent an integer)

[Formula 4]



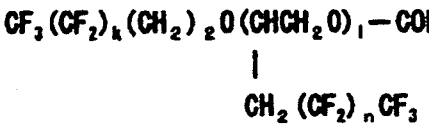
(A represents an alkyl group; OA may represent Cl or NCO; Z represents a linear functional group represented by $(CH_2)_m$, $O(CH_2)_m$, or $(CH_2)_2O(CH_2)_mO(CH_2)_2$; and k, l, m, and n each represent an integer);

using CF_3-$(CF_2)_o$-$(CH_2)_2$-$Si(OA)_3$ (wherein subscript o represents an integer; A represents an alkyl group; and OA may represent Cl or NCO) as the short-chain substance (2) mainly comprising a fluorocarbon group, a hydrocarbon group, and an alkoxysilyl group; and using $(AO)_3Si(OSi(OA)_2)_pOA$ (wherein p represents 0 or an integer; A represents an alkyl group; and OA may

represent Cl or NCO) as the substance (3) mainly comprising an alkoxysilyl group.

17. The method for manufacturing a releasable mold according to claim 15, comprising using a substance represented by the following formula (Formula 5) as the long-chain substance comprising an organic fluorine-containing ether group or an organic fluorine-containing polyether group and an alkoxysilyl group;

[Formula 5]



(A represents an alkyl group; and k, l, and n each represent an integer);

using $CF_3-(CF_2)_o-(CH_2)_2-Si(OA)_3$ (wherein subscript o represents an integer; and A represents an alkyl group) as the short-chain substance (2) mainly comprising a fluorocarbon group, a hydrocarbon group, and an alkoxysilyl group; and using $(AO)_3Si(OSi(OA)_2)_pOA$ (wherein p represents 0 or an integer; and A represents an alkyl group) as the substance (3) mainly comprising an alkoxysilyl group.

18. The method for manufacturing a releasable mold according to claims 12 to 17, comprising using a ketimine compound, an organic acid, an aldimine compound, an

enamine compound, an oxazolidine compound, an aminoalkylalkoxysilane compound, or a metal oxide such as TiO_2, instead of the silanol condensation catalyst.

19. The method for manufacturing a releasable mold according to claims 12 to 17, comprising using a ketimine compound, an organic acid, an aldimine compound, an enamine compound, an oxazolidine compound, an aminoalkylalkoxysilane compound, and/or a metal oxide such as TiO_2 in combination with the silanol condensation catalyst.

20. The method for manufacturing a releasable mold according to claims 12 to 19, comprising using a fluorocarbon-based organic solvent as the organic solvent.

21. The method for manufacturing a releasable mold according to claims 12 to 20, further comprising previously forming a silica film on the mold surface before forming the composite film.

22. The method for manufacturing a releasable mold according to claims 12 to 21, comprising heating the composite film at a temperature in the range of from 250 to 450°C after forming the composite film.

23. The method for manufacturing a releasable mold according to claims 12 to 21, comprising further treating the composite film with a solution containing a substance containing a methylsilyl group dissolved therein after forming the composite film.

24. A molded article to which a release agent is not adhered, the molded article being produced by using the mold according to claims 1 to 11.

FILED ELECTRONICALLY

PATENT APPLICATION
Docket No: 18232.15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
		)
	Kazufumi OGAWA	)
		)
Serial No.:	12/666,954	) Art Unit
		) N/A
Filed:	December 28, 2009	)
		)
Confirmation No.:	3036	)
		)
For:	METAL MOLD, PROCESS FOR MANUFACTURING THE SAME, AND MOLDED ARTICLE PRODUCED USING THE MOLD	)
		)
Examiner:	Unassigned	)
		)
Customer No.:	22913	)

I state that the English translation provided to satisfy section I(b) of the Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) Between the Japan Patent Office (JPO) and the USPTO is accurate.

Dated this 5th day of January 2011.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/666,954	12/28/2009	Kazufumi Ogawa	18232.15	3036

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Please find below 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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MAR 18 2011

CT

In re application of Kazufumi Ogawa Serial No. 12/666,954 Filed: December 28, 2009 For: METAL MOLD, PROCESS FOR MANUFACTURING THE SAME	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 5, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fail because:

4) All of the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s).

Independent claim 1 of PCT/JP2008/052620 recites the language of "mainly" to describe each of the presently claimed components. Note for example the phrase "a long-chain substance mainly comprising a fluorocarbon group and a hydrocarbon group". Claim 1 of the present application, however, does not include the term "mainly" for each of the presently claimed components. Note for example the phrase "a long-chain substance including a fluorocarbon group and a hydrocarbon group". Similarly, note independent claims 12 and 13 of the PCT application and the present application, as well as other dependent claims.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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.

Application No. 12/666,954

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

25 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
ROODENBURG et al.	:	
Application No.: 12/666,999	:	DECISION
PCT No.: PCT/NL2007/000164	:	
Int. Filing Date: 29 June 2007	:	
Priority Date: None	:	
Attorney's Docket No.: 1063-0161PUS1	:	
For: AMUSEMENT DEVICE SEAT ASSEMBLY	:	

This decision is in response to applicants' submission filed 09 July 2010, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 29 June 2007, applicant filed international application PCT/NL2007/000164, which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2009.

On 28 December 2009, applicant filed, *inter alia*, a transmittal letter (Form PTO-1390) for entry into the national phase in the United States and the U.S. Basic National Fee.

On 13 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 09 July 2010, applicant filed the instant petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time and a declaration of inventors.

On 22 July 2010, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 09 July 2010 did not

identify the same inventive entity as indicated in the international application in that the declaration included an additional inventor–Iris VAN NOORDEN.

DISCUSSION

Notification of Defective Response

The Notification of Defective Response mailed 22 July 2010 was mailed in error since it was mailed before the petition under 37 CFR 1.497(d) filed 09 July 2010 had been considered. Accordingly, this Notification is hereby VACATED.

Declaration of Inventors filed 09 July 2010

The declaration of inventors filed 09 July 2010 is not in compliance with 37 CFR 1.497(a)-(b) because it does not list the correct inventorship. There is a difference in names in the second-named inventor between the published international application (Johan Willem PHILIPPEN) and the declaration of the inventors (Willem Johan PHILLIPEN).

Petition Under 37 CFR 1.497(d)

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

Declaration of Inventors

The declaration of the inventors submitted 09 July 2010 does not comply with 37 CFR 1.497(a)-(b) because it does not list the correct inventorship. There is a difference in names in the second-named inventor between the published international application (Johan Willem

PHILIPPEN) and the declaration of the inventors (Willem Johan PHILLIPEN). Because this difference in names is more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor.

CONCLUSION

The NOTIFICATION OF MISSING REQUIREMENTS mailed 22 July 2010 is VACATED for the reasons set forth above.

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

23 SEP 2010

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P.O. Box 1450
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www.uspto.gov

Gordon & Jacobson, P.C.
60 Long Ridge Road
Suite 407
Stamford CT 06902

In re Application of
SIMONSEN et al.
Application No.: 12/667,132
PCT No.: PCT/GB2008/050516
Int. Filing Date: 27 June 2008
Priority Date: 29 June 2007
Attorney Docket No.: CHAP-027
For: TREATMENT OR THERAPY APPARATUS

DECISION
REGARDING
SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 18 August 2010 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 27 June 2008, applicant filed international application PCT/GB2008/050516 which claimed a priority date of 29 June 2007. On 08 January 2009, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau. The deadline for payment of the basic national fee was 29 December 2010 (thirty months from the priority date).

On 29 December 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 20 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 18 August 2010, applicant filed a declaration executed by: Henry Fritz Simonsen; Michael Kiernan; Robert Marc Clement; and Hanne Simonsen, on behalf of deceased inventor, Jan Simonsen.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 18 August 2010 was executed by Hanne Simonsen as "legal representative" to the deceased inventor, Jan Simonsen. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Law Offices of James E. Walton, PLLC
1169 N. Burleson Blvd.
Suite 107-328
Burleson, TX 76028

MAILED

SEP 27 2011

PCT LEGAL ADMINISTRATION

In re Application of:
RISSE, Claude
Application No.: 12/667,182
PCT No.: PCT/EP2008/058424
Int. Filing Date: 01 July 2008
Priority Date: 02 July 2007
Attorney's Docket No.: 1204JW-61238
For: SHUTOFF VALVE INTEGRATED INTO A PRESSURE REGULATOR

DECISION ON PETITION

This decision is issued in response to applicant's Petition under 37 CFR 1.182 filed 25 August 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 29 December 2009, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2008/058424.

BACKGROUND

On 30 June 2011, applicant was mailed a communication detailing the discrepancy between international application numbers on the transmittal letter and other filing papers such as the Application Data Sheet.

On 25 August 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/EP2008/058424. An examination of the originally filed papers finds that the correct international application number was listed on the Application Data Sheet filed 29 December 2009. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 29 December 2009 and to permit such materials to be treated as having been directed to international application PCT/EP2008/058424.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2008/058424.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Anthony Smith
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3298

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16 JUL 2010

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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville NY 11747

In re Application of:	
EBESU, Duane	
U.S. Application No.: 12/601,458	DECISION ON PETITION
PCT Application No.: PCT/US2008/064716	(37 CFR 1.182)
International Filing Date: 23 May 2008	
Priority Date: 25 May 2007	
Attorney's Docket No.: 1351-5-PCT-US	
For: BALANCED INDIVIDUAL DINING PLATE	

This decision is issued in response to the "Petition Under 37 CFR 1.182 To Correct inconsistent International Application Number Designation" filed 13 May 2010. Applicant has submitted the required $400 petition fee.

BACKGROUND

On 01 April 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original national stage filing on 23 November 2009 referred to two different international applications, PCT/US08/64716 and PCT/US08/68716.

On 13 May 2010, applicant filed the "Petition Under 37 CFR 1.182 To Correct inconsistent International Application Number Designation" considered herein.

DISCUSSION

The present petition confirms that correct international application number for the present national stage application is PCT/US2008/064716. The petition points out that the correct international application number was contained throughout the materials filed on 23 November 2009 (e.g., on the Form PTO-1390 Transmittal Letter and the declaration). Finally, applicant's petition included payment of the $400 petition fee required with respect to a petition under 37 CFR 1.182.

The present submission satisfies the requirements for a grantable petition to correct the inconsistency in the international application number provided during the electronic filing process. Accordingly, the materials filed herein on 23 November 2009, including the payment of

the basic national fee, will be treated as having been directed to international application PCT/US2008/064716.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 23 November 2009 will be treated as having been directed to international application PCT/US2008/064716. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of such application.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 November 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/667,215	05/26/2010	Inge Knap	030427-0141	4993

22428 7590 04/11/2011

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
04/11/2011	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

April 11, 2011

WG

In re application of	:	DECISION ON REQUEST TO
Inge Knap et al.	:	PARTICIPATE IN PATENT
Serial No. 12/667,215	:	PROSECUTION HIGHWAY
Filed: May 26, 2010	:	PROGRAM AND
For: BILE RESISTANT BACILLUS	:	PETITION TO MAKE SPECIAL
COMPOSITION SECRETING HIGH	:	UNDER 37 CFR 1.102(a)
LEVELS OF PHYTASE	:	

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed February 22, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Albemarle Corporation
Patent Department
451 Florida Street
Baton Rouge, LA 70801

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NOV 05 2010

PCT LEGAL ADMINISTRATION

In re Application of :
NALEPA et al. :
Application No.: 12/667,282 :
PCT No.: PCT/US2007/072715 :
Int. Filing Date: 03 July 2007 :
Priority Date: N/A :
Attorney Docket No.: B2-7705 US :
For: USE OF COMPOUNDS CONTAINING HALOGEN AND NITROGEN FOR REDUCING MERCURY EMISSIONS DURING COAL COMBUSTION :

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is issued in response applicants' "Response to Notice of Missing Requirements under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" filed 12 October 2010, treated herein as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 03 July 2007, applicants filed the above-identified international application. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the international filing date, 03 January 2010.

On 30 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv).[1]

On 27 September 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

[1]Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicants filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by Christopher Nalepa (applicant/inventor) and Jennifer Moore (legal representative to deceased inventor, Robert M. Moore).

On 12 October 2010, applicant filed "Response to Notice of Missing Requirements under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" which stated that a fully executed declaration was submitted on November 28, 2007 during the international phase of PCT/US2007/072715.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The previously filed declaration is executed by Jennifer Moore as the "legal representative" of the deceased inventor, Robert M. Moore. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the previously filed declaration provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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Fax: (571) 273-0459

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DEC 29 2010

PCT LEGAL ADMINISTRATION

Albemarle Corporation
Patent Department
451 Florida Street
Baton Rouge, LA 70801

In re Application of: NALEPA et al.
Application No.: 12/667,282
PCT No.: PCT/US2007/072715
Int. Filing Date: 03 July 2007
Priority Date: N/A
Attorney Docket No.: B2-7705 US
For: USE OF COMPOUNDS CONTAINING HALOGEN AND NITROGEN FOR REDUCING MERCURY EMISSIONS DURING COAL COMBUSTION

DECISION ON
PAPERS UNDER 37 CFR 1.42

In a decision mailed by this Office on 05 November 2010, the declaration filed by applicant on behalf of deceased inventor (Robert M. Moore) was dismissed for failure to include all the information required under 37 CFR 1.497.

On 14 December 2010, applicant filed a response to the previous communication which stated that the Office erred in issuing the previous Decision because the Supplemental Declaration was not considered. A review of the application file reveals that applicant's assertion is correct. The supplemental declaration submitted on 30 December 2010 identifies the deceased inventor and states the deceased inventor's country of citizenship, is signed by Jennifer Moore as the "legal representative," states his/her relationship to the deceased (i.e., legal representative), and provides the legal representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

It is noted that the supplemental declaration taken in combination with the previously submitted declaration (executed by Christopher J. Nalepa) complies with 37 CFR 1.497(a)-(b). The request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 03 July 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **30 December 2009**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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Tel: (571) 272-3298

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DEC 16 2010

PCT LEGAL ADMINISTRATION

BRINKS, HOFER, GILSON & LIONE
P.O. BOX 110285
RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	DECISION
KORDES et al.	:	
Application No.: 12/667,299	:	
PCT No.: PCT/EP2008/058517	:	
Int. Filing Date: 02 July 2008	:	
Priority Date: 03 July 2007	:	
Attorney Docket No.: 13779-543	:	
For: 1-(AZOLIN-2-YL)AMINO-1,2-DIPHENYLETHANE COMPOUNDS FOR COMBATING ANIMAL PESTS	:	

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181 TO CORRECT NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" filed in the United States Patent and Trademark Office (USPTO) on 10 November 2010.

BACKGROUND

On 02 July 2008, applicants filed international application PCT/EP2008/058517 which designated the US and claimed a priority date of 03 July 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 January 2010 (03 January 2010 being a Sunday).

On 30 December 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and an express request to being national examination procedures.

On 14 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of inventors filed 30 December 2009 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in the first name of one of the inventors between the published international application (Cecile) and the declaration of inventors (Cecille).

On 30 April 2010, applicants filed a response indicating that the spelling in the declaration of inventors was correct and that the spelling had been corrected during the international phase. Applicants provided a copy of a NOTIFICATION OF THE RECORDING OF A CHANGE (Form PCT/IB/306) issued by the International Bureau as evidence.

On 26 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 30 April 2010 and a 35 U.S.C. 371 date of 30 April 2010.

On 10 November 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) and 35 U.S.C. 371 date be changed from 30 April 2010 to 30 December 2009.

As noted by applicants, the declaration of inventors filed 30 December 2009 was in compliance with 37 CFR 1.497(a)-(b) and properly identified the inventive entity. Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION issued 26 July 2010 contained the incorrect 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 date. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

The surcharge for providing the declaration later than thirty months from the priority date provided on 30 April 200 has been credited to DA 231925.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The Filing Receipt and the NOTICE OF ACCEPTANCE, both issued 26 July 2010, are **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for (1) mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371

AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **30 December 2009** and (2) mailing of a corrected Filing Receipt.

/Daniel Stemmer/

Daniel Stemmer
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PCT Legal Affairs
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KNOBBE MARTENS OLSON & BEAR LLP
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IRVINE CA 92614

In re Application of	
Turner et al.	
Application No.: 12/667,326	
PCT No.: PCT/GB2008/002112	
Int. Filing Date: 20 June 2008	DECISION
Priority Date: 02 July 2007	
Attorney Docket No.: SMNPH.056APC	
For: Pressure Control	

This is in response to the request under 37 CFR 1.497(d) filed on 06 July 2010.

BACKGROUND

This international application was filed on 20 June 2008, claimed an earlier priority date of 02 July 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 08 January 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 January 2010 (since 02 January 2010 was a Saturday). Applicants filed *inter alia* the basic national fee on 30 December 2009.

On 13 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Counsel has submitted a declaration naming and signed by Jake Turner and Stephen Jacob, as well as a Statement Of Benjamin Gordon Under § 1.497(d)(1)" indicating that he "was erroneously listed as an inventor..."

Review of the record reveals that, on 23 February 2009, the International Bureau mailed a Notification Of The Recording Of A Change (Form PCT/IB/306) indicating that Benjamin Gordon "should be deleted from the records" as an applicant/inventor pursuant to PCT Rule 92*bis*. As such, the request for relief under 37 CFR 1.497(d) is unnecessary.

DECISION

The request under 37 CFR 1.497(d) is **DISMISSED AS MOOT**, without prejudice.

The declaration filed on 06 July 2010 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 July 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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LEGAL DEPARTMENT
ONE ST. JUDE MEDICAL DRIVE
ST. PAUL, MN 55117-9913

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PCT LEGAL ADMINISTRATION

In re Application of DE LA RAMA et al :
U.S. Application No.: 12/667,338 :
PCT Application No.: PCT/US2008/069248 :
Int. Filing Date: 03 July 2008 : DECISION
Priority Date Claimed: 03 July 2007 :
Attorney Docket No.: 0F-048905US :
For: MAGNETICALLY GUIDED CATHETER :
WITH FLEXIBLE TIP :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 01 October 2010.

BACKGROUND

On 03 July 2008, applicant filed international application PCT/US2008/069248, which claimed priority of an earlier United States application filed 03 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 04 January 2010.

On 30 December 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 September 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely file the basic national fee.

On 01 October 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
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BOSTON MA 02109

In re application of
Sengoku et al.
Application No. 12/667,343
Filed: December 30, 2009
For: NAVIGATION SERVER AND NAVIGATION SYSTEM

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 11, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition fail to include:
(3) Claims of the U.S. Application that sufficiently corresponds to the allowable claims of the JPO application. Specifically, in claim 1, line 8 and claim 6, line 11, the recitation " extracts a link" is different from allowed claim 1 "extracts a target link"; therefore, it does not correspond with the original allowed claim 1 in the Japanese patent application 2007-177289, resulting in a change in scope from that of the allowed Japanese claim.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/Mikado Buiz/

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/03/10

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
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BOSTON MA 02109

In re application of
Sengoku et al.
Application No. 12/667,343
Filed: December 30, 2009
For: NAVIGATION SERVER AND NAVIGATION SYSTEM

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 11, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on August 11, 2010, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 9/23/10

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PCT LEGAL ADMINISTRATION

Edwards Angell Palmer & Dodge LLP
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Boston MA 02205

In re Application of:
LIM et. al.
Application No.: 12/667,372
PCT No.: PCT/KR2008/006862
Int. Filing Date: 21 November 2008
Priority Date: 22 November 2007
Attorney Docket No.: 85394(301264)
For: MICROFLUIDIC CHIP FOR ANALYSIS FOR FLUID SAMPLE

DECISION ON PETITION

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47" filed 24 November 2010, considered herein under 37 CFR 1.47(a). Deposit Account No. 04-1105 will be charged the required $200 petition fee.

BACKGROUND

On 21 November 2008, applicants filed international application PCT/KR2008/006862. The international application claimed a priority date of 22 November 2007, and it designated the United States. On 28 May 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 22 May 2010.

On 30 December 2009, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the small entity basic national fee.

On 24 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 24 November 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the declaration without the signature of non-signing co-inventor Hyun Chang LIM, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have authorized a charge to Deposit Account No. 04-1105 for required fees. Pursuant to this authorization, the Deposit Account will be charged the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition provides the last known email address for the non-signing inventor; however, the petition does not include an express statement of the last known residential addresses of the non-signing inventor, as required. See Manual of Patent Examining Practice (MPEP) section 605.03: "[i]n situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary." Item (2) is therefore not satisfied.

Regarding item (3), MPEP section 409.03(a) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by six of the seven inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the non-signing inventor has refused to execute the application. MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a

> statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the petition refers to unsuccessful efforts to obtain the inventor's signature via email, and a copy of one such email request (with English translation) has been included with the petition. However, the petition does not include a firsthand statement from the person who actually sent the attached email to the non-signing inventor, as required to confirm such correspondence and the enclosures included therewith. Moreover, the record does not indicate that a copy of the complete application was included with the signature request forwarded to the non-signing inventor, as also required. In addition, there is no evidence presented that the email address being used was current and that the inventor actually received the signature request sent to such address. Evidence that an inventor has received the signature request is especially important in situations where, as here, petitioner is requesting that the inventor's failure to respond to such a request be interpreted as a refusal to sign. It is also noted that, while the petition refers to "repeated requests to sign the declaration," no evidence has been provided to indicate that any requests beyond the single attached email were forwarded to the inventor.

Applicants must submit supplemental materials, including a firsthand statement with confirming documents, setting forth in detail the efforts made to obtain the signature of the non-signing inventor. Such materials must provide an acceptable showing that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing inventor and that the inventor has failed to provide the signed declaration in response to such request. Until such materials are provided, it cannot be concluded that the non-signing inventor has refused to execute the declaration. Item (4) is therefore not satisfied.[1]

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (2) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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[1] It is noted that, should applicants seek to demonstrate that the inventor cannot be located after diligent effort, the requirements for such a showing are set forth in MPEP section 409.03(d)(I).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

In re Application of:
LIM et. al.
Application No.: 12/667,372
PCT No.: PCT/KR2008/006862
Int. Filing Date: 21 November 2008
Priority Date: 22 November 2007
Attorney Docket No.: 85394(301264)
For: MICROFLUIDIC CHIP FOR ANALYSIS FOR FLUID SAMPLE

DECISION ON PETITION

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 13 July 2011. In a decision dated 03 February 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Hyun Chang LIM, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 13 July 2011 with the present petition was executed by the named inventor, the previous non-signing inventor, Hyun Chang LIM. The declaration filed 13 July 2011 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 21 November 2008 under 35 U.S.C. 363 and a date of 13 July 2011 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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In re Application of:
PARK, Jun, Ha, et al.
U.S. Application No.: 12/667,374
PCT No.: PCT/KR2008/004315
International Filing Date: 23 July 2008
Priority Date: 23 July 2007
Attorney Docket No.: 85396 (301264)
For: MODULE FOR DETECTING ANALYTES IN FLUIDS AND CHIP HAVING SAME

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47" filed 22 November 2010, considered herein under 37 CFR 1.47(a). Deposit Account No. 04-1105 will be charged the required $200 petition fee.

BACKGROUND

On 23 July 2008, applicants filed international application PCT/KR2008/004315. The international application claimed a priority date of 23 July 2007, and it designated the United States. On 29 January 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 January 2010.

On 30 December 2009, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the small entity basic national fee.

On 21 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 22 November 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the declaration without the signature of non-signing co-inventor Hyun Chang LIM, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have authorized a charge to Deposit Account No. 04-1105 for required fees. Pursuant to this authorization, the Deposit Account will be charged the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition provides the last known email address for the non-signing inventor; however, the petition does not include an express statement of the last known residential addresses of the non-signing inventor, as required. See Manual of Patent Examining Practice (MPEP) section 605.03: "[i]n situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary." Item (2) is therefore not satisfied.

Regarding item (3), MPEP section 409.03(a) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by four of the five inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the non-signing inventor has refused to execute the application. MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the petition refers to unsuccessful efforts to obtain the inventor's signature via email, and a copy of one such email request (with English translation) has been included with the petition. However, the petition does not include a firsthand statement from the person who

actually sent the attached email to the non-signing inventor, as required to confirm such correspondence and the enclosures included therewith. Moreover, the record does not indicate that a copy of the complete application was included with the signature request forwarded to the non-signing inventor, as also required. In addition, there is no evidence presented that the email address being used was current and that the inventor actually received the signature request sent to such address. Evidence that an inventor has received the signature request is especially important in situations where, as here, petitioner is requesting that the inventor's failure to respond to such a request be interpreted as a refusal to sign. It is also noted that, while the petition refers to "repeated requests to sign the declaration," no evidence has been provided to indicate that any requests beyond the single attached email were forwarded to the inventor.

Applicants must submit supplemental materials, including a firsthand statement with confirming documents, setting forth in detail the efforts made to obtain the signature of the non-signing inventor. Such materials must provide an acceptable showing that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing inventor and that the inventor has failed to provide the signed declaration in response to such request. Until such materials are provided, it cannot be concluded that the non-signing inventor has refused to execute the declaration. Item (4) is therefore not satisfied.[1]

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (2) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

[1] It is noted that, should applicants seek to demonstrate that the inventor cannot be located after diligent effort, the requirements for such a showing are set forth in MPEP section 409.03(d)(I).

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PCT LEGAL ADMINISTRATION

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston MA 02205

In re Application of:
PARK, Jun, Ha, et al.
U.S. Application No.: 12/667,374
PCT No.: PCT/KR2008/004315
International Filing Date: 23 July 2008
Priority Date: 23 July 2007
Attorney Docket No.: 85396 (301264)
For: MODULE FOR DETECTING ANALYTES IN FLUIDS AND CHIP HAVING SAME

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 13 January 2011, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Hyun Chang LIM was dismissed without prejudice. The decision indicated that applicants' had not satisfied all the requirements of a grantable petition.

On 13 July 2011, applicants filed the "Renewed Petition Under 37 CFR 1.47(A)" considered herein (with required four-month extension fee). The submission included a declaration executed by all five inventors of record, including the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47(a), Hyun Chang LIM. This declaration is acceptable in compliance with 37 CFR 1.497(a) and (b).

Based on the above, applicants have now submitted an executed declaration in compliance with 37 CFR 1.497(a) and (b) from all of the inventors of record. Accordingly, applicants' petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is appropriately **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 July 2011.

/RichardMRoss/

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AUG 04 2010

LAHIVE & COCKFIELD, LLP
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In re application of
Sengoku et al.
Application No. 12/667,412
Filed: December 31, 2009
For: NAVIGATION DEVICE AND NAVIGATION SYSTEM

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 11, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed June 11, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 8/3/10

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of :
Gregory Alfred Tereposky, et al. :
Application No. 12/667,430 :
Filed: June 10, 2010 :
Attorney Docket No. **069566-1300** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed March 10, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **TLG Partnership**
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa Ontario, K1P 1J9
Canada

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BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE NY 13202-1355

MAILED

JAN 28 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PESHKOVSKY, Sergei L., et al. :
Application No.: 12/667,480 :
PCT No.: PCT/US2008/068697 :
Int. Filing Date: 30 June 2008 : DECISION
Priority Date: 03 July 2007 :
Attorney's Docket No.: 438P2444D :
For: HIGH CAPACITY ULTRASONIC :
REACTOR SYSTEM :

This decision is in response to applicants' Reply to Notification of Insufficient Fees, filed in the United States Patent and Trademark Office on 15 October 2010. It has been treated as a petition under 37 CFR 1.181 to vacate the Notification of Insufficient Fees (Form PCT/DO/EO/923) mailed 18 August 2010.

The fees required under 37 CFR 1.492 are those for the international application. A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims, will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d) and (e). MPEP 1893.01(c). However, applicants did not file a preliminary amendment. See 37 CFR 1.121.

The application contained an authorization to charge any additional required fees to deposit account no. 50-1546. As such, the fees should have been charged and the Notification of Insufficient Fees (Form PCT/DO/EO/923) should not have issued and is **VACATED**. The additional fees will be charged to deposit account no. 50-1546, as authorized.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Doc Code: PPH.PET.652
Document Description: Petition to make Special under Patent Pros Hwy

PTO/SB/20EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/667,536-Conf. #9295	Filing Date:	January 4, 2010
First Named Inventor:	David Emilsson		
Attorney Docket No.:	43315-283322		
Title of the Invention:	COOLING OF HIGH VOLTAGE DEVICES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2008/057351

The international date of the corresponding PCT application(s) is/are: JUNE 12, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. 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 January 4, 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 January 4, 2010

PTO/SB/20EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO
(continued)

Application No.:	12/667,536-Conf. #9295
First Named Inventor:	David Emilsson

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same except for removal of reference numbers and formal language changes
2	2	Same except for removal of reference numbers and formal language changes
3	3	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
4	4	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
5	5	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
6	6	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
7	7	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
8	8	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
9	9	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
10	10	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
11	11	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
12	12	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency
13	13	Same except for removal of reference numbers, formal language changes, and removal of multiple dependency

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Eric J. Franklin/	Date	December 3, 2010
Name (Print/Typed)	Eric J. Franklin	Registration Number	37,134

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/667,536	01/04/2010	David Emilsson	43315-283322	9295

26694 7590 01/04/2011
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER	
ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
01/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of
David EMILSSON
Application No.: 12/667,536
Filed: 04 January 2010
Attorney Docket No.: 43315-283322
For: COOLING OF HIGH VOLTAGE DEVICES

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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United States Patent and Trademark Office
P.O. Box 1450
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Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor MI 48104

MAILED

FEB 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KONISHI, et al. :
U.S. Application No.: 12/667,542 :
PCT No.: PCT/JP2008/061898 (as corrected) :
Int. Filing Date: 01 July 2008 :
Priority Date: 03 July 2007 :
Attorney Docket No.: 14088-6 :
For: INDIVIDUAL PACKAGES OF ABSORBENT ARTICLES, PACKAGING SHEET AND PROCESS FOR PRODUCTION OF PACKAGING SHEET :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "PETITION UNDER 37 CFR 1.182" filed 28 January 2011 in the United States Patent and Trademark Office (USPTO). The petition seeks to correct the international application number for the national stage application papers electronically filed 04 January 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/JP2008/061898. Applicant has authorized provided payment of the required $400 petition fee.

BACKGROUND

On 07 December 2010, applicant was mailed a communication informing applicant that there was a discrepancy between the international application number keyed into the USPTO's EFS-Web filing system and the international application number listed on the filed documents, i.e. the form PTO-1390 transmittal letter. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the error.

On 28 January 2011, applicant filed the petition considered herein.

DISCUSSION

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2008/061898, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

Applicant presently confirms that the correct international application is PCT/JP2008/061898 and the petition further states that the correct international

application number was listed on the transmittal letter and Application Data Sheet filed 04 January 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 04 January 2010 and to permit such materials to be treated as having been directed to international application PCT/JP2008/061898.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The materials filed 04 January 2010 assigned U.S. application number 12/667,542 will be treated as the national stage of PCT/JP2008/061898.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 0 8 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

In re application of	:	**DECISION ON REQUEST TO**
Jung et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/667,576	:	**PROSECUTION HIGHWAY**
Filed: January 04, 2010	:	**PROGRAM AND PETITION**
For: DOT SIGHTING DEVICE WITH LARGE CALIBER	:	**TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 24, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of June 24, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/07/10

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VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

MAILED

DEC 28 2010

OFFICE OF PETITIONS

In re Application of :
Michael Mackert :
Application No. 12/667,647 :
Filed: May 19, 2010 :
Attorney Docket No. **MOS01 P-172** :

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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FREDERICK S. BURKHART**
2851 CHARLEVOIX DRIVE, S.E.
SUITE 207
P.O. BOX 888695
GRAND RAPIDS MI 49588-8695

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MING YU
1969 Zonal ave
#70
Los Angeles CA 90033

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DEC 22 2010

PCT LEGAL ADMINISTRATION

In re Application of:
YU
U.S. Application No.: 12/667,687
Filing Date: January 4, 2010
Attorney's Docket No.: None
For: COMPOUNDS, COMPOSITION, METHODS, TARGETS FOR CANCER THERAPY

DECISION

This decision is issued in response to applicant's petition filed 04 November 2010 in the United States Patent and Trademark Office (USPTO). Applicant requests that the present application be treated as a U.S. National Filing of PCT/US2008/069106 filed under 35 U.S.C. 111.

BACKGROUND

On 02 July 2008, applicant filed international application PCT/US2008/069106 which claimed a priority date of 02 July 2007. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 02 January 2010.

On 04 January 2010, applicant initiated the present application by filing electronically papers requesting entry into the U.S. national stage for international application PCT/US2008/069106. The filing included, among other materials, an Application Data Sheet (ADS); an Information Disclosure Statement and an amended specification.

During the electronic filing process, applicant identified the present application as a "U.S. National Stage under 35 USC 371" application. Accordingly, the application was processed by the USPTO as a filing under 35 U.S.C. 371.

On 20 September 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor and additional claim fees were required.

On 04 November 2010, applicant filed the petition considered herein. Applicant requests that the present application be treated as a U.S. National Filing under 35 U.S.C. 111(a).

DISCUSSION

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted . . . must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The Transmittal Letter Form electronically filed by applicant on 04 January 2010 identified the application as a national stage filing under 35 U.S.C. 371. However, applicant's filing included an amended specification and ADS which identified the application as a "continuation-in-part" of international application PCT/US2008/069106.

Applicant's identification of the application as a utility application filed under 35 "continuation-in-part" of international application PCT/US2008/069106 is a conflicting instruction that is not consistent with the intent to file a U.S. national stage application under 35 U.S.C. 371. As such, it is proper to grant applicant's petition and have the present application treated as filing under 35 U.S.C. 111(a).

CONCLUSION

For the reasons detailed above, the petition to convert the application to a filing under 35 U.S.C. 111(a) is GRANTED.

The Form PCT/DO/EO/905 mailed 20 September 2010 is hereby VACATED.

This application is being forwarded to the Office of Initial Patent Examination for processing as a filing under 35 U.S.C. 111(a).

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/667,703	01/05/2010	Keisuke Kishita	04853.0220-00000	1441

22852 7590 11/15/2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
BELLAMY, TAMIKO D	

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
11/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

NOV 15 2011

In re Application of
KISHITA et al.
Application No.: 12/667,703
Filed: 05 January 2010
Attorney Docket No.: 04853.0220-00000
For: DEVICE AND METHOD FOR INTRODUCING GAS FOR ANALYSIS DEVICE

: 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 25 August 2011 and resubmitted 23 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/
Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 3449-1298PUS1	Application Number (if known): 12/667,743	Filing date: February 24, 2011
First Named Inventor: Yu Ho WON		
Title: LIGHT EMITTING DEVICE PACKAGE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date December 12, 2011
Name (Print/Typed) James T. Eller, Jr.	Registration Number 39,538

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.
12/667,743	02/24/2011	Yu Ho Won	3449-1298PUS1	1704

2292 7590 01/13/2012

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
CHIU, TSZ K	

ART UNIT	PAPER NUMBER
2822	

NOTIFICATION DATE	DELIVERY MODE
01/13/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
WON et al.	:	DECISION ON PETITION
Application No. 12/667,743	:	TO MAKE SPECIAL UNDER
Filed: February 24, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 3449-1298PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 12, 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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United States Patent and Trademark Office
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NOV 19 2010

PCT LEGAL ADMINISTRATION

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of:
ZHANG et al.
Application No.: 12/667,832
PCT No.: PCT/US2008/069041
Int. Filing Date: 02 July 2008
Priority Date: 12 July 2007
Attorney Docket No.: 20674-0074US1
For: CATHEPSIN-D NEUROPROTECTION

DECISION ON REQUEST

This decision is issued in response to applicant's "Petition to Correct Inventive Entity under 37 CFR 1.497(d) and M.P.E.P 1893.02(e)" filed 09 September 2010. The $130 petition fee has been provided.

BACKGROUND

On 05 January 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; an application data sheet; and a preliminary amendment.[1]

On 08 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b). Furthermore, the notification indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1.821- 825. The notification set a two-month time limit in which to respond.

On 09 September 2010, applicant filed a request under 37 CFR 1.497(d) and a declaration executed by: Jianhua Zhang, Guy Caldwell, Kevin Roth, David Standaert, Kim Caldwell, and Shusei Hamamichi.

[1]The published international application identified two applicants/inventors for the United States: Jianhua Zhang and Guy Caldwell.

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventors Kevin Roth, David Standaert, Kim Caldwell, and Shusei Hamamichi to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicant must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter); and
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has submitted a statement from the persons being added (Kevin Roth, David Standaert, Kim Caldwell, and Shusei Hamamichi) as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR 1.497(d)(2) has been submitted. And applicant has submitted a statement of consent by the assignee, along with a copy of the Assignment document by which the assignee obtained its interest in the present application. Lastly, applicant has submitted a declaration executed by Jianhua Zhang, Guy Caldwell, Kevin Roth, David Standaert, Kim Caldwell, and Shusei Hamamichi. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

Kevin Roth, David Standaert, Kim Caldwell, and Shusei Hamamichi will be added as inventors herein.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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Coats & Bennett, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

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MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of:
ABERG, Partik
Application No.: 12/667,882
PCT No.: PCT/EP2008/058329
Int. Filing Date: 27 June 2008
Priority Date: 07 June 2007
Attorney's Docket No.: 4015-6757 / P23180-US2
For: SYSTEM, PROCESSOR, APPARATUS AND METHOD FOR INTER-PROCESSOR COMMUNICATION

NOTIFICATION

This decision is issued in response to applicant's Petition under 37 CFR 1.182 filed 22 March 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 06 January 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2008/058329.

BACKGROUND

On 28 February 2011, applicant was mailed a communication detailing the discrepancy between international application numbers on the Electronic Acknowledgement Receipt and other filing papers such as the Application Data Sheet.

On 22 March 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/EP2008/058329. An examination of the originally filed papers finds that the correct international application number was listed on the Application Data Sheet filed 13 August 2009. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 13 August 2009 and to permit such materials to be treated as having been directed to international application PCT/EP2008/058329.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2008/058329.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3298

11 AUG 2010

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
FERNKVIST, Maria, et al.	:	
Application No.: 12/667,910	:	DECISION ON
PCT No.: PCT/SE2007/008788	:	
Int. Filing Date: 06 July 2007	:	PETITION
Priority Date:	:	
Attorney Docket No.: 1018798-000569	:	UNDER 37 CFR 1.182
For: ABSORBENT STRUCTURE	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 16 June 2010.

BACKGROUND

On 27 January 2010, applicants submitted, *inter alia*, a declaration of the inventors.

On 25 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the last name of the third named inventor did not match the name on the published international application.

On 16 June 2010, applicants submitted a petition under 37 CFR 1.182.

DISCUSSION

The fee for a petition under 37 CFR 1.182 has been paid. Applicant has supplied a statement signed by Malin Gullholm stating that she has changed her name subsequent to her marriage and was formerly known as Malin Svensson.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

MAILED
JUL 05 2011
OFFICE OF PETITIONS

Applicant: Wischmann, et al.
Appl. No.: 12/667,984
International Filing Date: July 3, 2008
Title: BIPOLAR PLATE FOR A FUEL CELL AND FUEL CELL STACK
Attorney Docket: 3988-093096
Pub. No.: US 2010/0178579 A1
Pub. Date: July 15, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 15, 2010 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment to the specification filed with the application on January 6, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on September 15, 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.

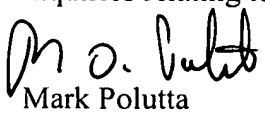
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

4 AUG 2010

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McDermott Will & Emery LLP
600 13th Street, N.W.
Washington, D.C. 20005-3096

In re Application of :
OHNO et al. :
Application No.: 12/668,002 : DECISION ON PETITION
PCT No.: PCT/JP2008/059797 : UNDER 37 CFR 1.182
Int. Filing Date: 28 May 2008 :
Priority Date: 06 July 2007 :
Attorney Docket No.: 053673-0049 :
For: INK CURABLE WITH ACTINIC ENERGY RAY AND PRINTED MATTER

This decision is issued in response to applicants' "Response to Notice of Missing Requirements of Application" dated 24 June 2010 which is being treated as a Petition under 37 CFR 1.182. Applicants request to change the name of the first inventor from Akiko Narahara to Akiko OHNO.

BACKGROUND

On 06 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; an application data sheet; and an executed declaration.

On 12 April 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 24 June 2010, applicants filed "Response to Notice of Missing Requirements of Application" and a statement from counsel (Stephen A. Becker) that inventor Akiko Narahara became legally married and changed her name to Akiko OHNO.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Applicants request to change the name of the first inventor from Akiko Narahara to Akiko OHNO. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP §605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge counsel's Deposit Account No. 50-0417 for required fees. As for the affidavit requirement, applicants have submitted a (translated) "Certificate" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Akiko OHNO as a result of marriage. Therefore, item (2) has been satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Akiko Narahara to Akiko OHNO is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration

Tel: (571) 272-3298

UNITED STATES PATENT and TRADEMARK OFFICE

21 SEP 2010

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ALEXANDRIA, VA 22313-1450
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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of	:	DECISION ON
PANSERI et al	:	
Application No.: 12/668,071	:	
PCT No.: PCT/FR2008/001016	:	PETITION UNDER
Int. Filing Date: 11 July 2008	:	
Priority Date: 12 July 2007	:	
Attorney's Docket No.: 0529-1070-1	:	37 CFR 1.47(a)
For: MODULAR UPRIGHT...	:	
FLEXIBLE CURTAIN	:	

This decision is in response to petitioner's "Petition Under 37 CFR 1.47(a)" submitted on 22 July 2010, requesting the acceptance of the application without the signature of the co-inventor La Marca Antonello. The requisite $200 petition has been paid by credit card.

BACKGROUND

On 07 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 23 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 22 July 2010, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the co-inventors, i.e., without the signature of Antonello La Marca.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), the correct petition fee of $200.00 has been paid.

Regarding item (2), the averments of Etienne GARIN are sufficient to support a finding that the nonsigning inventor, Antonello La Marca, refuses to sign because it is clear that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature as the copy was received at his last known address on June 18, 2010 and has not returned the required papers signed.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Antonello La Marca
17 rue de l'aviation 69960
Corbas, France

Regarding item (4), petitioner has provided an executed declaration signed by Anne-Sophie PANSERI and Romain SIMON on their behalf and on behalf of the nonsigning co-inventor, Antonello La Marca.

Consequently, the current record does sufficiently establish Ms. Cox's refusal to join in the application.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** without prejudice.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

21 SEP 2010

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ALEXANDRIA, VA 22313-1450
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Antonello La Marca
17 rue de l'aviation 69960
Corbas, France
EUROPE

In re Application of
PANSERI et al
Application No.: 12/668,071
PCT No.: PCT/FR2008/001016
Int. Filing Date: 11 July 2008
Priority Date: 12 July 2007
Attorney's Docket No.: 0529-1070-1
For: MODULAR UPRIGHT...
FLEXIBLE CURTAIN

Dear: Antonello

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

09 AUG 2010

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

In re Application of:
HUGENHOLTZ, Jeroen, et al.
U.S. Application No.: 12/668,084
PCT No.: PCT/NL2008/050472
International Filing Date: 11 July 2008
Priority Date: 12 July 2007
Attorney Docket No.: BHD-4662-1418
For: NITRATE REDUCTION BY A PROBIOTIC IN THE PRESENCE OF A HEME

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Request For Reconsideration Of Petition Under 37 CFR 1.47(a)" filed 23 July 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 15 July 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort.

On 23 July 2010, applicants filed the "Request For Reconsideration Of Petition Under 37 CFR 1.47(a)" considered herein as a renewed petition.

DISCUSSION

The renewed petition filed by applicants on 23 July 2010 was accompanied by a "Factual Statement Of Jan Biermann In Support Of Rule 47 Petition," with accompanying documents. This firsthand statement confirms that the inventor was provided with a signature request, accompanied by a copy of the complete application, and that the inventor refused to provide the executed declaration in response to such request. These materials, in combination with those included with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a). Accordingly, the petition is appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Rob BROOIJMANS.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 April 2010.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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09 AUG 2010

Dr. Rob BROOIJMANS
Guido Gazellelaan 25
Delft 2624 KV
THE NETHERLANDS

In re Application of: HUGENHOLTZ, Jeroen, et al.
U.S. Application No.: 12/668,084
PCT No.: PCT/NL2008/050472
International Filing Date: 11 July 2008
Priority Date: 12 July 2007
Attorney Docket No.: BHD-4662-1418
For: NITRATE REDUCTION BY A PROBIOTIC IN THE PRESENCE OF A HEME

Dear Dr. BROOIJMANS:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
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Counsel Of Record:
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

14 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of	:	
GONZALEZ et al.	:	DECISION
Application No.: 12/668,089	:	
PCT No.: PCT/IB2008/052799	:	
Int. Filing Date: 11 July 2008	:	
Priority Date: 11 July 2007	:	
Attorney's Docket No.: 3128.040	:	
For: IMPLANTABLE GRAFT ASSEMBLY		:

This decision is in response to applicants' submission filed 09 August 2010, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 11 July 2008, applicants filed international application PCT/IB2008/052799 which designated the U.S. and claimed a priority date of 11 July 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 January 2010.

On 07 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 27 May 2010, applicants filed an executed declaration of inventors.

On 12 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of inventors filed 27 May 2010 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names between the declaration of inventors and the published international application. Specifically, the name Carlos Gonzalez appears on the published international application while the name Carlos Gonzalez-Resendiz appears on the declaration.

On 09 August 2010, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The declaration filed 27 May 2010 is not sufficient because it contains non-initialed alterations (page 3 of the declaration executed by Carlos Gonzalez). 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a). Item I.

Additionally, the non-initialed alterations change the second inventor's name, as noted in the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 July 2010. Because this difference in names (Carlos Gonzalez on the published international application and Carlos Gonzalez-Resendiz on the declaration) would be more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 would be required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor.

The petition states that the name on the published international application was inadvertently incomplete. However, a petition under 37 CFR 1.182 is required in such an instance.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN, VA 22102-8064

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Anker, et al.
Appl. No.: 12/668,098
International Filing Date: July 8, 2008
Title: Low Migration Polymer Composition Comprising Vitamin E-Type Stabilser
Attorney Docket: 15542
Pub. No.: US 2010/0266798 A1
Pub. Date: October 21, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 21, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on January 7, 2010, was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410. Applicants' request for a corrected patent application publication on December 21, 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.

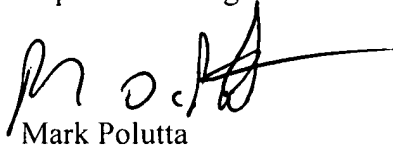
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN, VA 22102-8064

MAILED
FEB 29 2012
OFFICE OF PETITIONS

Applicant: Anker, et al.
Appl. No.: 12/668,098
International Filing Date: July 8, 2008
Title: Low Migration Polymer Composition Comprising Vitamin E-Type Stabilser
Attorney Docket: 15542
Pub. No.: US 2010/0266798 A1
Pub. Date: October 21, 2010

The above-identified application has been forwarded to the undersigned for consideration of a request for reconsideration of a previous decision which dismissed applicants request for a corrected patent application publication under 37 CFR 1.221(b), which is being treated as a petition under 37 CFR 1.181, which was received on October 17, 2011.

The petition is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on January 7, 2010, was not included in the publication.

Petitioner asserts that in accordance with 35 USC 372 the national phase application must be treated to the same procedures as any other nationally filed application. Petitioner asserts that the preliminary amendment was submitted on filing, that it is part of the original disclosure in accordance with Rule 115 and thus the Office is required under the rules to publish the amended claims.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

[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).

37 C.F.R. 1.215(a) states that the patent application publication **may** also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) **37 CFR 1.215(c)** states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the application as filed.

Petitioners argument that the Office is required to publish amendments if they are submitted in sufficient time to be entered into the Office file wrapper before technical preparations for publication of the application have begun and in this case since the amendments were filed on the same date as Applicants requested entry into the national phase, thus they were certainly filed in sufficient time is not persuasive. Initially, the rule states that the patent application publication may be based upon amendments, not that the patent application publication will or shall be based upon amendments. While the Office may publish the application as amended, it is not required to publish the application as amended in accordance with 37 CFR 1.215(a). Applicant did not file an amended copy of the application for publication purposed in compliance with the Office electronic filing system in accordance with 37 CFR 1.215(c). The national stage application is treated to the same procedures as any other nationally filed application.

Petitioner's assertion that the Examiner's statement that the publication accurately reflected the specification as filed is wrong because the application is not filed until Applicants meet the requirements set forth in 35 USC 371, which were completed on January 7, 2010 is not persuasive. Petitioner's assertion that preliminary amendments filed on the filing date of an application are part of the original disclosure and thus the preliminary amendments filed with the national stage must be published. The preliminary amendment was not filed on the filing date of the application, the international filing date is the filing date of the application. Contrary to Petitioner assertion the preliminary amendment was not submitted on filing, thus it is not part of the original disclosure in accordance with 37 CFR 1.115. See 37 CFR 1.115(a)(2).

MPEP 1893.03(b) provides:
An international application designating the U.S. has two stages (international and national) with the filing date being the same in both stages. Often the date of entry into the national stage is

confused with the filing date. It should be borne in mind that the filing date of the international stage application is also the filing date for the national stage application. Specifically, 35 U.S.C. 363 provides that

> An international application designating the United States shall have the effect, from its international filing date under Article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title.

Similarly, PCT Article 11(3) provides that

> ...an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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: DECR3002/JEK	Application Number (if known): 12/668,145	Filing date: January 7, 2010
First Named Inventor: Gert DE CREMER		
Title: SOLAR CELLS		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature /J. Ernest Kenney/	Date November 30, 2010
Name (Print/Typed) J. ERNEST KENNEY	Registration Number 19,179

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.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of:			
Application No.:	12/668,145	**Examiner:**	Unassigned
Filing Date:	January 7, 2010	**Art Unit:**	1725
First Inventor:	Gert DE CREMER et al.	**Customer No.:**	23364
Attorney No.:	DECR3002/JEK	**Confirmation No.:**	3877
For:	SOLAR CELLS		

STATEMENT OF SPECIAL STATUS TO ESTABLISH ELIGIBILITY OF APPLICATION UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: OFFICE OF PETITIONS

Sir:

Applicant submits that this application is entitled to accelerated examination under the Green Technology Pilot Program on grounds that the invention claimed in this application relates to *more efficient utilization and conservation of energy resources*.

THE INVENTION

The invention is a photovoltaic device for increasing the efficiency of converting solar light to electricity (specification, page 1, line 10).

The invention overcomes the low efficiency of solar cells in absorbing UV radiation compared to visible light (specification, page 4, lines 24, 25).

The invention is based on the recognition that the efficiency of photovoltaics can be increased if more of the sun's spectrum of radiation can be turned into electricity (specification, page 4, lines 26, 27).

The claimed invention improves the efficiency of photovoltaic cells by integrating molecular sieves comprising oligo atomic silver clusters to convert UV radiating in visible light in a solar cell. A layer with molecular sieves comprising oligo atomic silver clusters which

converts UV radiating in visible light on the transparent layer of the solar cell to thereby increase the efficiency of electricity production (specification, page 5, lines 5-8).

The present invention relates generally to white and colored light emission using confined oligo atomic metal clusters, and more particularly to the use of molecular sieves comprising these oligo atomic metal clusters as luminescent materials for photoluminescence based converting of UV radiation into visible light or for functioning as wavelength converter of UV radiation into visible light (specification, page 8, lines 10-14).

The present invention increases the efficiency of electricity production from solar cells by converting the UV portion of the solar spectrum to visible light (specification, page 8, lines 18, 19).

Claim 19 recites a photovoltaic device including a wavelength conversion layer comprising an assembly of oligo atomic metal clusters confined in molecular sieves to convert solar radiation that excites oligo atomic metal clusters confined in molecular sieves into an emission of radiation with a higher wavelength.

Claims 35 and 36 specifically recite that the molecular sieves containing the small clusters of metals are tuned to convert solar radiation with a wavelength below 560 nm into a radiation with a wavelength between 400 and 750 nm (claim 36) or specifically above 560 nm (claim 35).

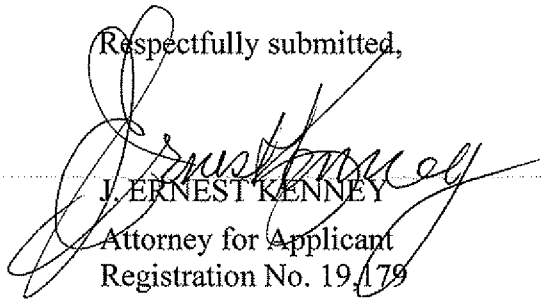
REMARKS

It appears clear that an invention capable of increasing output of solar cells by utilizing the UV portion of the radiation spectrum will result in the more efficient utilization and conservation of energy resources.

Accordingly, Applicant submits that this application is qualified for accelerated examination under the Green Technology Pilot Program.

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, VA 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080
Date: November 30, 2010

Respectfully submitted,



J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179

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.
12/668,145	06/01/2010	Gert De Cremer	DECR3002/JEK	3877

23364 7590 12/17/2010

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
12/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

DEC 17 2010

In re Application of	:	
De Cremer et al.	:	DECISION ON PETITION
Application No. 12/668,145	:	TO MAKE SPECIAL UNDER
Filed: 6/1/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **DECR3002/JEK**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/30/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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625 SLATERS LANE
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ALEXANDRIA, VA 22314-1176

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NOV 03 2011

OFFICE OF PETITIONS

Applicant: DeCremer, et al.
Appl. No.: 12/668,160
International Filing Date: July 7, 2008
Title: EMISSIVE LAMPS COMPRISING METAL CLUSTERS CONFINED IN MOLECULAR SIEVES
Attorney Docket No.: DECR3001/JEK
Pub. No.: US 2011/0018425 A1
Pub. Date: January 27, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 23, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error wherein the preliminary amendment filed with the application on January 7, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.12(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under § 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under 35, United States Code, whichever is later.

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 Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Chris Bottorff
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/668,166	01/07/2010	Koji Sengoku	SATW-036US	4016

959 7590 09/23/2010

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER	
BEHNCKE, CHRISTINE M	
ART UNIT	**PAPER NUMBER**
3661	

MAIL DATE	DELIVERY MODE
09/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SEP 23 2010

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
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BOSTON MA 02109

In re application of Sengoku et al. Application No. 12/668,166 Filed: January 7, 2010 For: NAVIGATION DEVICE AND NAVIGATION SYSTEM	: : : : : :	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 10, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on August 10, 2010, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 9/22/10

26 AUG 2010

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22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of
BRYBORN KRUS *et al*
U.S. Application No.: 12/668,195
PCT No.: PCT/SE2008/050859
Int. Filing Date: 10 July 2008
Priority Date: 10 July 2007
Attorney Docket No.: 09059.0075
For: SYSTEM, SOFTWARE MODULE AND METHODS FOR CREATING A RESPONSE TO INPUT BY AN ELECTRONIC PEN

DECISION

This decision is in response to the petition to change the name of an inventor under 37 CFR 1.182 filed 02 July 2010.

BACKGROUND

On 06 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 02 July 2010, applicants filed a petition under 37 CFR 1.182 which was accompanied by, *inter alia*, a $130.00 petition fee, a $130.00 surcharge fee, an affidavit of the inventor whose name had changed, and an executed declaration.

On 10 August 2010, a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt were mailed noting that the completion date of all 35 U.S.C. 371 requirements was 02 July 2010.

DISCUSSION

Applicants filed the subject petition under 37 CFR 1.182 to change the name of co-inventor, Mattias BRYBORN to Mattias BRYBORN KRUS.

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicants have provided a statement by the inventor whose name has changed which lists both names and indicates that the change was as a result of a marriage. The fee for a petition under 37 CFR 1.182 pursuant to 37 CFR 1.17(f) is $400.00. Applicants provided a $130.00 processing fee under 37 CFR 1.17(i). The $130.00 processing fee has been credited back to petitioners' credit card. The $400.00 fee has been charged to Deposit Account No. 06-0916 as authorized.

This is sufficient for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

The name of the first-named inventor has been changed to Mattias BRYBORN KRUS. The declaration filed 02 July 2010 is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the appropriate Art Unit for examination.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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CHICAGO, IL 60603-3406

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DEC 17 2010

PCT LEGAL ADMINISTRATION

In re Application of BRIDGWOOD :
U.S. Application No.: 12/668,198 :
PCT Application No.: PCT/AU2008/001010 :
Int. Filing Date: 07 July 2008 : DECISION
Priority Date Claimed: 09 July 2007 :
Attorney Docket No.: 7383-84864 :
For: A METHOD AND SYSTEM FOR :
PRODUCTION OF LIQUID NATURAL GAS :

This is in response to applicant's petition under 37 CFR 1.182 filed 02 December 2010.

BACKGROUND

On 07 July 2008, applicant filed international application PCT/AU2008/001010, which claimed priority of an earlier Australia application filed 09 July 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 15 January 2009. The thirty-month period for paying the basic national fee in the United States expired on 11 January 2010.

On 07 January 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. The submission identified "PCT/US08/01010" as the international application number.

On 23 November 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 02 December 2010, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the wrong international application number was inadvertently entered into the EFS-Web user interface. A review of the application file reveals that the correct international application number PCT/AU2008/001010 was present on at least one paper

submitted on 07 January 2010. Accordingly, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 September 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

ATTACHMENT: corrected filing receipt

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BOSTON MA 02109

In re application of
Sengoku et al.
Application No. 12/668,226
Filed: January 8, 2010
For: NAVIGATION SYSTEM

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 10, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed June 10, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 8/3/10

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DEC 21 2010

PCT LEGAL ADMINISTRATION

In re Application of
SAXELL et al.
U.S. Application No.: 12/668,242
PCT No.: PCT/EP2008/058785
International Filing Date: 07 July 2008
Priority Date: 12 July 2007
Attorney's Docket No.: 13779-544
For: NOVEL CRYSTALLINE FORM OF 3-(DIFLUORMETHYL)-1-METHYL-N -(3',4',5'-TRIFLUOR[1,1'-BIPHENYL]-2-YL)-1H-PYRAZOL-4-CARBOXAMIDE

DECISION

This decision is issued in response to applicants' "Petition under 37 CFR 1.181 to Correct Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 and Request for Corrected Filing Receipt" filed 12 November 2010. No petition fee is due.

BACKGROUND

On 07 July 2008, applicants filed international application PCT/EP2008/058785 which claimed a priority date of 12 July 2007. The published international application identified one applicant/inventor, Heidi Emilia Saxell. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 12 January 2010.

On 08 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; an English translation of the international application; a preliminary amendment; and an executed declaration and power of attorney. The declaration identified four inventors: Heidi Emilia Saxell; Jochen Dietz; Sebastian Peer Smidt; and Cedric Dieleman.

On 27 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration was defective because the names of the inventors do not match that which is listed on the international application.

On 27 May 2010, applicants filed a copy of the previously filed declaration and an explanation regarding the additional inventors listed on the declaration.[1]

On 30 June 2010, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 27 May 2010. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 27 May 2010.

On 12 November 2010, applicants filed a "Request for Corrected Filing Receipt." Applicants urge that the Notification of Acceptance should be corrected to indicate a filing date of 08 January 2010, rather than 27 May 2010.

DISCUSSION

Applicants request a corrected filing date (or 371(c) date) from 27 May 2010 to 08 January 2010. The actual filing date of the present application is the international filing date, i.e., 07 July 2008. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) for entry into the national stage were completed. (See MPEP §1893.03(b))

A review of the application file reveals that the basic national fee; a copy of the international application; and a declaration of inventorship were filed with the USPTO on 08 January 2010, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the correction of the "FILING DATE" on the Notification of Acceptance to indicate a date of 08 January 2010 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 08 January 2010. (See MPEP section 1893.03(b)).

CONCLUSION

Applicant's request for a corrected Notification of Acceptance and Official Filing Receipt under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed on 30 June 2010 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a

---

[1]In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a request under 37 CFR 1.497(d) or a showing that a 92bis change was made prior to the National stage filing is required. In the instant case, a Notification of the Recording of a Change (Form PCT/IB/306) has been forwarded by the International Bureau indicating that Jochen Dietz; Sebastian Peer Smidt; and Cedric Dieleman were added as an applicants/inventors prior to entering into the national stage in the United States of America.

NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and Official Filing Receipt which identifies a date of 08 January 2010 under 35 U.S.C. 371(c).

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602-1449

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PCT LEGAL ADMINISTRATION

In re Application of
HE *et al*
U.S. Application No.: 12/668,255
PCT No.: PCT/IB2007/053351
Int. Filing Date: 22 August 2007
Priority Date: None
Docket No.: KCX-1357-PCT-US
For: MULTICOMPONENT BIODEGRADABLE FILAMENTS AND NONWOVEN WEBS FORMED THEREFROM

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 07 December 2010.

BACKGROUND

On 08 January 2010, applicants filed papers using the USPTO EFS-Web system as the national stage of "PCT/US07/53351." The transmittal letter (PTO-1390) also listed the international application as PCT/US2007/053351. However, applicants included international papers for PCT/IB2007/053351. Nonetheless, the Office processed the application as the national stage of PCT/US2007/053351.

On 22 November 2010, applicants submitted an executed declaration. The international application number was listed as PCT/IB2007/053351.

On 26 November 2010, United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt. Both forms recorded the international application number as PCT/US2007/053351.

On 30 November 2010, a communication was mailed requesting clarification on the proper international application number. The Form PCT/DO/EO/903 and filing receipt mailed 26 November 2010 were both vacated.

On 07 December 2010, applicants filed the subject petition under 37 CFR 1.182 to change the international application number to PCT/IB2007/053351.

DISCUSSION

Applicants' petition under 37 CFR 1.182 to correct the PCT number in the above-captioned national stage application to PCT/IB2007/053351.

The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The application was filed as the national stage of PCT/US2006/045029; however, applicants included international papers for PCT/IB2007/053351. WIPO records also show that the name of the inventors, the title, and the international filing date correspond to PCT/IB2007/053351. Moreover, applicants state in the petition that the correct international application number is PCT/IB2007/053351.

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/IB2007/053351 but for a clerical error upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/PCT/IB2007/053351.

This application is being forwarded to the DO/EO/US for the mailing of a corrected Form PCT/DO/EO/903 and filing receipt indicating that the above-captioned application is the national stage of PCT/IB2007/053351.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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PCT LEGAL ADMINISTRATION

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

In re Application of BRUIN	:	
Application No.: 12/668,273	:	DECISION ON
PCT No.: PCT/NL08/50418	:	
Int. Filing: 23 June 2008	:	PETITION TO REVIVE
Priority Date: 12 July 2007	:	
Attorney Docket No.: OCT0025-US	:	UNDER 37 CFR 1.137(b)
For: SOUND-DAMPING HOUSING FOR A PUMP AND FOR A DRIVE MOTOR FOR SAID PUMP	:	

The petition to revive under 37 CFR 1.137(b) filed 02 June 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $810 has been paid.

Applicant submitted the declaration executed by inventor, which is in compliance with 37 CFR 1.497(a) and (b). The $65 surcharge for filing the declaration after the thirty month period was also paid. Applicant's payment of a five month extension of time fee ($1175; code 2255) is refunded to his credit card. It is not required since the application was abandoned for failure to reply to the Notification of Missing Requirements mailed on 26 April 2010.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 02 June 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

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AUG 10 2011

PCT LEGAL ADMINISTRATION

In re Application of BRUIN	:	
Application No.: 12/668,273	:	DECISION ON
PCT No.: PCT/NL08/50418	:	
Int. Filing: 23 June 2008	:	PETITION TO REVIVE
Priority Date: 12 July 2007	:	
Attorney Docket No.: OCT0025-US	:	UNDER 37 CFR 1.137(b)
For: SOUND-DAMPING HOUSING FOR A PUMP AND FOR A DRIVE MOTOR FOR SAID PUMP	:	

The petition to revive under 37 CFR 1.137(b) filed 02 June 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $810 has been paid.

Applicant submitted the declaration executed by inventor, which is in compliance with 37 CFR 1.497(a) and (b). The $65 surcharge for filing the declaration after the thirty month period was also paid. Applicant's payment of a five month extension of time fee ($1175; code 2255) is refunded to his credit card. It is not required since the application was abandoned for failure to reply to the Notification of Missing Requirements mailed on 26 April 2010.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 02 June 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
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UNITED STATES PATENT AND TRADEMARK OFFICE

07 OCT 2010

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BAKER & DANIELS LLP
300 North Meridian Street
Suite 2700
Indianapolis, In 46204

In re Application of :
KUNZMANN *et al* :
U.S. Application No.: 12/668,275 :
PCT No.: PCT/GB2008/002334 :
Int. Filing Date: 08 July 2008 : **DECISION**
Priority Date: 09 July 2007 :
Attorney Docket No.: TYRG-P0001 :
For: IMPROVEMENTS IN OR RELATING :
TO GAS DISCHARGE LAMPS :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 22 June 2010.

BACKGROUND

On 22 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 22 June 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, the $130.00 surcharge fee; a $200.00 petition fee; a declaration signed by five of the seven named inventors; and documentary evidence in support of the petition.

DISCUSSION

Applicants filed the subject petition under 37 CFR 1.47(a) for joint inventors, Edwin MAURER and Guido HEREMANS in response to the Form PCT/DO/EO/905 mailed 22 April 2010.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1) and (3) are complete[1] in the subject petition.

Regarding item (2), applicant mailed a declaration, assignment, and a copy of the published PCT application to the last known addresses of the nonsigning inventors which were delivered on 11 January 2010. Applicant provided a copy of the cover letters and UPS receipts for both mailings with the petition. The UPS receipt shows that the documents were signed for by "MAURER" and "HEREMANS" respectively on 11 January 2010. Applicants have received no response and consider this conduct as a refusal to cooperate.

Applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d)(II) of the MPEP. Several pertinent segments are listed below:

> A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney . . .
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.

Applicants have met the requirements to show a refusal to cooperate by conduct for both joint inventors. Item (2) of 37 CFR 1.47(a) is satisfied.

However, applicants have not yet satisfied item (4) of 37 CFR 1.47(a) for the following reason. The eight-page declaration consists of one Page 1, one Page 2, one Page 3, two Page 4's, two Page 5's and one Page 6. As such, the declaration is considered a composite declaration and is not acceptable.

Applicants must provide a complete copy of each declaration signed by each inventor and each declaration must identify the correct inventive entity.

For this reason, item (4) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

---

[1] The $200.00 petition fee was provided. The last known addresses of the nonsigning inventors were listed.

A response to the subject decision regarding the petition under 37 CFR 1.47(a) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
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Office of PCT Legal Administration

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MAR 02 2011

PCT LEGAL ADMINISTRATION

In re Application of
KUNZMANN *et al*
U.S. Application No.: 12/668,275
PCT No.: PCT/GB2008/002334
Int. Filing Date: 08 July 2008
Priority Date: 09 July 2007
Attorney Docket No.: TYRG-P0001
For: IMPROVEMENTS IN OR RELATING TO GAS DISCHARGE LAMPS

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed on 22 December 2010.

BACKGROUND

On 07 October 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 22 December 2010, applicants filed a renewed petition which was accompanied by, *inter alia*, a newly executed declaration.

DISCUSSION

The 37 CFR 1.47(a) applicants failed to satisfy item (4) of 37 CFR 1.47(a) as the declaration filed on behalf of the nonsigning inventors was considered a composite declaration. Applicants were requested to provide a complete copy of the declaration signed by each inventor and each declaration must identify the correct inventive entity.

In the renewed response, applicants submitted a declaration of "inventors, Jens-Peter Kunzmann, Bernard Pfeiffer, Phillip Foxley, Paul Clarke, and Guido Heremans" on behalf of the nonsigning joint inventors. However, the declaration for Guido HEREMANS was not provided in the renewed petition.

As such, item (4) of 37 CFR 1.47(a) is still not satisfied.

CONCLUSION

For the reason discussed above, applicants' renewed petition under 37 CFR

1.47(a) is **DISMISSED** without prejudice.

A response to the subject decision regarding the petition under 37 CFR 1.47(a) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 06 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KUNZMANN *et al* :
U.S. Application No.: 12/668,275 :
PCT No.: PCT/GB2008/002334 :
Int. Filing Date: 08 July 2008 : **DECISION**
Priority Date: 09 July 2007 :
Attorney Docket No.: TYRG-P0001 :
For: IMPROVEMENTS IN OR RELATING :
TO GAS DISCHARGE LAMPS :

This decision is in response to applicants' second renewed petition under 37 CFR 1.47(a) filed on 29 April 2011.

BACKGROUND

On 02 March 2011, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 29 April 2011, applicants filed the subject response which was accompanied by, *inter alia*, a complete copy of a declaration executed on behalf of the two nonsigning inventors.

DISCUSSION

In the subject response, the 37 CFR 1.47(a) applicants have provided a complete copy of each declaration executed by Jens-Peter KUNZMANN, Bernhard PFEIFFER, Phillip FOXLEY, Paul CLARKE and Melvyn MCGANN on behalf of nonsigning inventors, Edwin MAURER and Guido HEREMANS.

The declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of section 409.03(a)(A) of the MPEP. Item (4) of 37 CFR 1.47(a) is also complete.

All items of 37 CFR 1.47(a) are now satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 08 July 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 29 April 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Edwin Maurer
Sluiskeshoeven 15,
GM Rosmalen, NL-5244,
GM Rosmalen
Netherlands

MAILED

JUL 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
KUNZMANN *et al*
U.S. Application No.: 12/668,275
PCT No.: PCT/GB2008/002334
Int. Filing Date: 08 July 2008
Priority Date: 09 July 2007
Attorney Docket No.: TYRG-P0001
For: IMPROVEMENTS IN OR RELATING TO GAS DISCHARGE LAMPS

Dear Mr. Maurer:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Guido Heremans
Senatoriaan 52, B-3201,
Wolfsdonk-Langdorp
Belgium

MAILED

JUL 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
KUNZMANN *et al*
U.S. Application No.: 12/668,275
PCT No.: PCT/GB2008/002334
Int. Filing Date: 08 July 2008
Priority Date: 09 July 2007
Attorney Docket No.: TYRG-P0001
For: IMPROVEMENTS IN OR RELATING TO GAS DISCHARGE LAMPS

Dear Mr. Heremans:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/668,284	Filing date:	January 8, 2010
First Named Inventor:	Toshio FUWA		
Title of the Invention:	INVERTED WHEEL TYPE MOVING BODY AND METHOD OF CONTROLLING THE SAME		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2008/061931

The international date of the corresponding PCT application(s) is/are: June 24, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ Is attached. See Appendix A.

☐ 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. See Appendix B.

☐ 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.**

See Appendices C & D, respectively.

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-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/668,284
First Named Inventor:	Toshio FUWA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on January 8, 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 January 8, 2010.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		See Appendix E.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date August 10, 2011
Name (Print/Typed) Ryan W. Smith	Registration Number 62,257

Request for Participation in the PCT-PPH Pilot Program
U.S. Application Serial No.: 12/668,284
Attorney Docket No.: 353097US71PCT

APPENDIX A

Copy of the PCT/IPEA/409 Form in
the corresponding PCT application

特 許 協 力 条 約

PCT

特許性に関する国際予備報告（特許協力条約第二章）

（法第12条、法施行規則第56条）
〔PCT36条及びPCT規則70〕

出願人又は代理人 の書類記号 TYT07038P	今後の手続きについては、様式PCT／IPEA／416を参照すること。	
国際出願番号 PCT／JP2008／061931	国際出願日 （日.月.年） 24. 06. 2008	優先日 （日.月.年） 09. 07. 2007
国際特許分類（IPC） Int.Cl. B62K17/00(2006.01)i, B62K3/00(2006.01)i		
出願人（氏名又は名称） トヨタ自動車株式会社		

1．この報告書は、PCT35条に基づきこの国際予備審査機関で作成された国際予備審査報告である。
法施行規則第57条（PCT36条）の規定に従い送付する。

2．この国際予備審査報告は、この表紙を含めて全部で 3 ページからなる。

3．この報告には次の附属物件も添付されている。

a．☑ 附属書類は全部で 8 ページである。

☑ 補正されて、この報告の基礎とされた及び／又はこの国際予備審査機関が認めた訂正を含む明細書、請求の範囲及び／又は図面の用紙（PCT規則70.16及び実施細則第607号参照）

☐ 第Ⅰ欄4．及び補充欄に示したように、出願時における国際出願の開示の範囲を超えた補正を含むものとこの国際予備審査機関が認定した差替え用紙

b．☐ 配列表に関する補充欄に示され、電子形式のみで提出された、配列表又は配列表に関連するテーブルを含む電子媒体は全部で ＿＿＿＿＿＿＿＿＿＿ （電子媒体の種類、数を示す）。

（実施細則第802号参照）

4．この国際予備審査報告は、次の内容を含む。

☑ 第Ⅰ欄 国際予備審査報告の基礎
☐ 第Ⅱ欄 優先権
☐ 第Ⅲ欄 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成
☐ 第Ⅳ欄 発明の単一性の欠如
☑ 第Ⅴ欄 PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
☐ 第Ⅵ欄 ある種の引用文献
☐ 第Ⅶ欄 国際出願の不備
☐ 第Ⅷ欄 国際出願に対する意見

国際予備審査の請求書を受理した日 25. 12. 2008	国際予備審査報告を作成した日 09. 11. 2009	
名称及びあて先 日本国特許庁（IPEA／JP） 郵便番号100－8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官（権限のある職員） 北村 亮 電話番号 03－3581－1101 内線 3341	3D 3521

様式PCT／IPEA／409（表紙）（2009年1月）

特許性に関する国際予備報告

国際出願番号 PCT／JP2008／061931

第Ⅰ欄 報告の基礎

1．言語に関し、この予備審査報告は以下のものを基礎とした。

☑ 出願時の言語による国際出願

☐ 出願時の言語から次の目的のための言語である＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文

☐ 国際調査（ＰＣＴ規則12.3(a)及び23.1(b)）

☐ 国際公開（ＰＣＴ規則12.4(a)）

☐ 国際予備審査（ＰＣＴ規則55.2(a)又は55.3(a)）

2．この報告は下記の出願書類を基礎とした。（法第6条（ＰＣＴ14条）の規定に基づく命令に応答するために提出された差替え用紙は、この報告において「出願時」とし、この報告に添付していない。）

☐ 出願時の国際出願書類

☑ 明細書

第 1-44 ページ、出願時に提出されたもの

第＿＿＿＿＿＿ ページ*、＿＿＿＿＿＿ 付けで国際予備審査機関が受理したもの

第＿＿＿＿＿＿ ページ*、＿＿＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 請求の範囲

第 2,4-7,9,11-14 項、出願時に提出されたもの

第＿＿＿＿＿＿ 項*、ＰＣＴ１９条の規定に基づき補正されたもの

第 1,3,8,10 項*、 25.12.2008 付けで国際予備審査機関が受理したもの

第＿＿＿＿＿＿ 項*、＿＿＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 図面

第 1-8 ~~ページ~~／図、出願時に提出されたもの

第＿＿＿＿＿＿ ページ／図*、＿＿＿＿＿＿ 付けで国際予備審査機関が受理したもの

第＿＿＿＿＿＿ ページ／図*、＿＿＿＿＿＿ 付けで国際予備審査機関が受理したもの

☐ 配列表又は関連するテーブル
配列表に関する補充欄を参照すること。

3．☐ 補正により、下記の書類が削除された。

☐ 明細書 第＿＿＿＿＿＿ ページ

☐ 請求の範囲 第＿＿＿＿＿＿ 項

☐ 図面 第＿＿＿＿＿＿ ページ／図

☐ 配列表（具体的に記載すること）＿＿＿＿＿＿

☐ 配列表に関連するテーブル（具体的に記載すること）＿＿＿＿＿＿

4．☐ この報告は、補充欄に示したように、この報告に添付されかつ以下に示した補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。（ＰＣＴ規則70.2(c)）

☐ 明細書 第＿＿＿＿＿＿ ページ

☐ 請求の範囲 第＿＿＿＿＿＿ 項

☐ 図面 第＿＿＿＿＿＿ ページ／図

☐ 配列表（具体的に記載すること）＿＿＿＿＿＿

☐ 配列表に関連するテーブル（具体的に記載すること）＿＿＿＿＿＿

5．☐ この報告は、ＰＣＴ規則91の規定により国際予備審査機関が認めた又は国際予備審査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則70.2(e)）。

6．☐ この報告を作成するにあたり、補充国際調査機関である＿＿＿＿＿＿から受領した補充国際調査報告を考慮した。（ＰＣＴ規則45の2.8(b)及び(c)）

＊ 4．に該当する場合、その用紙に "superseded" と記入されることがある。

特許性に関する国際予備報告

国際出願番号 PCT／JP2008／061931

第Ⅴ欄　新規性、進歩性又は産業上の利用可能性についての法第12条（PCT35条(2)）に定める見解、それを裏付ける文献及び説明

1．　見解

新規性（N）	請求項	1-14	有
	請求項		無
進歩性（IS）	請求項	1-14	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-14	有
	請求項		無

2．　文献及び説明（PCT規則70.7）

請求の範囲１－１４に係る発明は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

Request for Participation in the PCT-PPH Pilot Program
U.S. Application Serial No.: 12/668,284
Attorney Docket No.: 353097US71PCT

APPENDIX B

Copy of Claims indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

請　求　の　範　囲

1.（補正後）　操作者の操作に応じた指令入力にしたがって移動して、輸送対象を輸送する倒立車輪型移動体であって、

車輪を回転可能に支持する車台と、

前記車輪を回転駆動する第１の駆動部と、

前記輸送対象を乗せるために設けられ、支持部材を介して前記車台に対して回動可能に支持された車体と、

前記車体上から前記輸送対象が降車するか否かを判定するために設けられ、前記車体上の輸送対象の状態に応じて出力が変化するセンサと、

転倒防止動作を行う第２の駆動部と、

前記倒立車輪型移動体が一定速度より速く走行している場合に、前記センサからの出力に基づいて前記輸送対象が降車すると判定されると、前記第１の駆動部を制御して、前記倒立車輪型移動体の速度を低下させる制御部と、を備え、

前記輸送対象が降車すると判定された場合に、前記制御部が、前記倒立車輪型移動体の速度の絶対値が閾値よりも低くなった後、前記第２の駆動部を制御して、前記転倒防止動作を実施させ、前記転倒防止動作を実施させた後、前記車輪の駆動トルクを０にして、前記閾値よりも低い速度で走行中の倒立車輪型移動体を停止させる倒立車輪型移動体。

2.　前記倒立車輪型移動体が前記一定速度以下で走行している場合に、前記制御部が、前記センサからの出力、及び前記指令入力に基づいて前記輸送対象が降車すると判定し、前記第２の駆動部を制御して、前記転倒防止動作を実施させる請求項１に記載の倒立車輪型移動体。

45/1

3.（補正後）　操作者の操作に応じた指令入力にしたがって移動して、輸送対象を輸送する倒立車輪型移動体であって、

車輪を回転可能に支持する車台と、

5

前記車輪を回転駆動する第１の駆動部と、

前記輸送対象を乗せるために設けられ、支持部材を介して前記車台に対して回動可能に支持された車体と、

前記車体上から前記輸送対象が降車するか否かを判定するために設けられ、前記車体上の輸送対象の状態に応じて出力が変化するセンサと、

転倒防止動作を行う第２の駆動部と、

前記倒立車輪型移動体が前記一定速度以下で走行している場合に、前記センサからの出力、及び前記指令入力に基づいて前記輸送対象が降車すると判定し、前記第２の駆動部を制御して、前記転倒防止動作を実施させ、前記転倒防止動作を実施させた後、前記車輪の駆動トルクを０にして、前記一定速度以下の速度で走行中の倒立車輪型移動体を停止させる制御部と、を備える倒立車輪型移動体。

4. 前記輸送対象が降車すると判定された場合、前記車体が移動方向と逆に傾斜するような目標傾斜角度を設定し、前記制御部が、前記目標傾斜角度に追従するように前記第１の駆動部をフィードバック制御する請求項１乃至３のうちいずれか１項に記載の倒立車輪型移動体。

5. 前記輸送対象が降車すると判定された場合、前記車体が移動方向と逆に傾斜するようなトルク指令を設定し、前記第１の駆動部が、前記トルク指令に基づいて前記車輪を回転駆動する請求項１乃至３のうちいずれか１項に記載の倒立車輪型移動体。

6. 前記転倒防止動作を開始した後、前記車輪の駆動トルクを０にする請求項１乃至５のうちいずれか１項に記載の倒立車輪型移動体。

7. 前記車体の重心位置が低くすること、又は転倒防止部材を車体の前側に展開することによって前記転倒防止動作を実施する請求項１乃至５

のうちいずれか１項に記載の倒立車輪型移動体。

8.（補正後）　車輪を回転可能に支持する車台と、

前記車輪を回転駆動する第１の駆動部と、

5

前記輸送対象を乗せるために設けられ、支持部材を介して前記車台に対して回動可能に支持された車体と、

前記車体上から前記輸送対象が降車するか否かを判定するために設けられ、前記車体上の輸送対象の状態に応じて出力が変化するセンサと、

転倒防止動作を行う第２の駆動部と、を備える倒立車輪型移動体を制御する制御方法であって、

前記倒立車輪型移動体が一定速度より速く走行しているか否かを判定するステップと、

前記一定速度より速く走行している場合に、前記センサからの出力に基づいて前記輸送対象が降車するか否かを判定するステップと、

前記輸送対象が降車すると判定されると、前記倒立車輪型移動体の速度を低下させるステップと、

前記倒立車輪型移動体の速度の絶対値が閾値よりも低くなった後、前記第２の駆動部を制御して、前記転倒防止動作を実施させるステップと、

前記転倒防止動作を実施させた後、前記車輪の駆動トルクを０にして、前記閾値よりも低い速度で走行中の倒立車輪型移動体を停止させるステップと、を備える倒立車輪型移動体の制御方法。

9. 前記倒立車輪型移動体が前記一定速度以下で走行している場合に、前記センサからの出力、及び前記指令入力に基づいて前記輸送対象が降車すると判定し、前記第２の駆動部を制御して、前記転倒防止動作を実施させるステップと、をさらに備える請求項８に記載の倒立車輪型移動体の制御方法。

10. （補正後） 車輪を回転可能に支持する車台と、

前記車輪を回転駆動する第１の駆動部と、

前記輸送対象を乗せるために設けられ、支持部材を介して前記車台に対して回動可能に支持された車体と、

前記車体上から前記輸送対象が降車するか否かを判定するために設け

られ、前記車体上の輸送対象の状態に応じて出力が変化するセンサと、

転倒防止動作を行う第２の駆動部と、を備え、操作者の操作に応じた指令入力にしたがって移動して、輸送対象を輸送する倒立車輪型移動体の制御方法であって、

前記倒立車輪型移動体が一定速度より速く走行しているか否かを判定するステップと、

前記倒立車輪型移動体が前記一定速度以下で走行している場合に、前記センサからの出力、及び前記指令入力に基づいて前記輸送対象が降車すると判定し、前記第２の駆動部を制御して、前記転倒防止動作を実施させるステップと、

前記転倒防止動作を実施させた後、前記車輪の駆動トルクを０にして、前記一定速度以下の速度で走行中の倒立車輪型移動体を停止させるステップと、を備える倒立車輪型移動体の制御方法。

11.　前記輸送対象が降車すると判定された場合、前記車体が移動方向と逆に傾斜するような目標傾斜角度を設定し、前記目標傾斜角度に追従するように前記第１の駆動部をフィードバック制御する請求項８乃至１０のうちいずれか１項に記載の倒立車輪型移動体の制御方法。

12.　前記輸送対象が降車すると判定された場合、前記車体が移動方向と逆に傾斜するようなトルク指令を設定し、前記第１の駆動部が、前記トルク指令に基づいて前記車輪を回転駆動する請求項８乃至１０のうちいずれか１項に記載の倒立車輪型移動体。

13.　前記転倒防止動作を開始した後、前記車輪の駆動トルクを０にする請求項８乃至１２のうちいずれか１項に記載の倒立車輪型移動体の制御方法。

14.　前記車体の重心位置が低くすること、又は転倒防止部材を車体の前側に展開することによって前記転倒防止動作を実施する請求項８乃至１３のうちいずれか１項に記載の倒立車輪型移動体の制御方法。

Request for Participation in the PCT-PPH Pilot Program
U.S. Application Serial No.: 12/668,284
Attorney Docket No.: 353097US71PCT

APPENDIX C

English translation of the PCT/IPEA/409 Form
in the corresponding PCT application

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Form PCT/IPEA/416
TYT07038P		
International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/061931	24.06.2008	09.07.2007

International Patent Classification (IPC) or national classification and IPC

B62K17/00, B62K3/00

Applicant

TOYOTA JIDOSHA KABUSHIKI KAISHA

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 8 sheets, as follows:

      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))

      _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

   ☒ Box No. I Basis of the report

   ☐ Box No. II Priority

   ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

   ☐ Box No. IV Lack of unity of invention

   ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   ☐ Box No. VI Certain documents cited

   ☐ Box No. VII Certain defects in the international application

   ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/JP2008/061931

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-44 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 2,4-7,9,11-14 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1,3,8,10 received by this Authority on 25.12.2008

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets figures 1-8 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) — see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing *(specify)*: _____
- ☐ any table(s) related to sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing *(specify)*: _____
- ☐ any table(s) related to sequence listing *(specify)*: _____

5. ☐ This report has been established taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

6. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/JP2008/061931

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The invention as set forth in claims 1-14 is not disclosed in any of the documents cited in the international search report, nor would said invention be obvious to a person skilled in the art.

Request for Participation in the PCT-PPH Pilot Program
U.S. Application Serial No.: 12/668,284
Attorney Docket No.: 353097US71PCT

APPENDIX D

English-language translation of Copy of Claims indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application including Statement regarding Accuracy of English-language translation

CLAIMS

1. (Currently Amended) An inverted wheel type moving body that moves in accordance with command input according to manipulation by a manipulator and transports a transportation object, the inverted wheel type moving body comprising:

a chassis rotationally supporting a wheel;

a first drive unit rotationally driving the wheel;

a body provided to mount the transportation object and rotatably supported on the chassis through a support member;

a sensor provided to judge whether the transportation object dismounts from the body, output of the sensor varying depending on states of the transportation object on the body;

a second drive unit performing overturn preventing operation; and

a control unit controlling the first drive unit to reduce velocity of the inverted wheel type moving body upon judgment that the transportation object dismounts based on the output from the sensor when the inverted wheel type moving body travels faster than a certain velocity, wherein

the control unit controls the second drive unit to

perform the overturn preventing operation after an absolute value of velocity of the inverted wheel type moving body is lower than a threshold value when it is judged that the transportation object dismounts, and after the second drive unit performs the overturn preventing operation, the control unit sets drive torque of the wheel to 0 so as to stop the inverted wheel type moving body travelling at a velocity lower than the threshold value.

2. The inverted wheel type moving body according to Claim 1, wherein the control unit judges that the transportation object dismounts based on the output from the sensor and the command input and controls the second drive unit to execute the overturn preventing operation when the inverted wheel type moving body travels at or less than the certain velocity.

3. (Currently Amended) An inverted wheel type moving body that moves in accordance with command input according to manipulation by a manipulator and transports a transportation object, the inverted wheel type moving body comprising:

a chassis rotationally supporting a wheel;

a first drive unit rotationally driving the wheel;

a body provided to mount the transportation object and rotatably supported on the chassis through a support member;

a sensor provided to judge whether the transportation object dismounts from the body, output of the sensor varying depending on states of the transportation object on the body;

a second drive unit performing overturn preventing operation; and

a control unit judging that the transportation object dismounts based on the output from the sensor and the command input and controlling the second drive unit to execute the overturn preventing operation when the inverted wheel type moving body travels at or less than the certain velocity, the control unit setting drive torque of the wheel to 0 after the second drive unit executes the overturn preventing operation so as to stop the inverted wheel type moving body travelling at a velocity at or lower than the certain velocity.

4. The inverted wheel type moving body according to any one of Claims 1 to 3, wherein upon judgment that the transportation object dismounts, the inverted wheel type moving body sets a target inclination angle that allows the body to incline in a direction opposite to

moving direction, and the control unit feedback controls the first drive unit in accordance with the target inclination angle.

5. The inverted wheel type moving body according to any one of Claims 1 to 3, wherein upon judgment that the transportation object dismounts, the inverted wheel type moving body sets a torque command that allows the body to incline in a direction opposite to moving direction, and the first drive unit rotationally drives the wheel based on the torque command.

6. The inverted wheel type moving body according to any one of Claims 1 to 5, wherein the inverted wheel type moving body sets drive torque of the wheel to 0 after starting the overturn preventing operation.

7. The inverted wheel type moving body according to any one of Claims 1 to 5, wherein the inverted wheel type moving body executes the overturn preventing operation by lowering position of center of mass of the body or deploying an overturn preventing member in a forward side of the body.

8. (Currently Amended) A method of controlling an

inverted wheel type moving body, the inverted wheel type moving body comprising:

a chassis rotationally supporting a wheel;

a first drive unit rotationally driving the wheel;

a body provided to mount the transportation object and rotatably supported on the chassis through a support member;

a sensor provided to judge whether the transportation object dismounts from the body, output of the sensor varying depending on states of the transportation object on the body; and

a second drive unit performing overturn preventing operation, the method comprising:

a step of judging whether the inverted wheel type moving body travels faster than a certain velocity;

a step of judging whether the transportation object dismounts based on the output from the sensor when the body travels faster than the certain velocity;

a step of reducing velocity of the inverted wheel type moving body upon judgment that the transportation object dismounts;

a step of controlling the second drive unit to execute the overturn preventing operation after an absolute value of velocity of the inverted wheel type moving body is lower than a threshold value; and

a step of setting drive torque of the wheel to 0 after the second drive unit executes the overturn preventing operation so as to stop the inverted wheel type moving body travelling at a velocity lower than the threshold value.

9. The method of controlling the inverted wheel type moving body according to Claim 8, further comprising steps of judging that the transportation object dismounts based on the output from the sensor and the command input and controlling the second drive unit to operate the overturn preventing operation when the inverted wheel type moving body travels at or less than the certain velocity.

10. (Currently Amended) A method of controlling an inverted wheel type moving body, the inverted wheel type moving body comprising:

a chassis rotationally supporting a wheel;

a first drive unit rotationally driving the wheel;

a body provided to mount the transportation object and rotatably supported on the chassis through a support member;

a sensor provided to judge whether the transportation object dismounts from the body, output

of the sensor varying depending on states of the transportation object on the body; and

a second drive unit performing overturn preventing operation, the inverted wheel type moving body moving in accordance with command input according to manipulation by a manipulator and transporting a transportation object, the method comprising:

a step of judging whether the inverted wheel type moving body travels faster than a certain velocity;

steps of judging that the transportation object dismounts based on the output from the sensor and the command input and controlling the second drive unit to execute the overturn preventing operation when the inverted wheel type moving body travels at or less than the certain velocity; and

a step of setting drive torque of the wheel to 0 after the second drive unit performs the overturn preventing operation so as to stop the inverted wheel type moving body travelling at a velocity at or lower than the certain velocity.

11. The method of controlling the inverted wheel type moving body according to any one of Claims 8 to 10, comprising upon judgment that the transportation object dismounts, setting a target inclination angle

that allows the body to incline in a direction opposite to moving direction, and feedback controlling the first drive unit in accordance with the target inclination angle.

12. The inverted wheel type moving body according to any one of Claims 8 to 10, comprising upon judgment that the transportation object dismounts, setting a torque command that allows the body to incline in a direction opposite to moving direction, and rotationally driving the wheel by the first drive unit based on the torque command.

13. The method of controlling the inverted wheel type moving body according to any one of Claims 8 to 12, comprising setting drive torque of the wheel to 0 after starting the overturn preventing operation.

14. The method of controlling the inverted wheel type moving body according to any one of Claims 8 to 13, comprising executing the overturn preventing operation by lowering position of center of mass of the body or deploying an overturn preventing member in a forward side of the body.

STATEMENT OF VERIFICATION

I, Yasuhiro IWASE, c/o HIBIKI IP Law Firm, Asahi Bldg. 10th Floor, 3-33-8, Tsuruya-cho, Kanagawa-ku, Yokohama-shi, Kanagawa 221-0835 Japan, hereby declare that I am the translator of the claims of the corresponding PCT application No. PCT/JP2008/061931 and certify that the attached English translation is accurate to the best of my knowledge and belief.

Dated this 25th day of July , 2011

Yasuhiro IWASE

Request for Participation in the PCT-PPH Pilot Program
U.S. Application Serial No.: 12/668,284
Attorney Docket No.: 353097US71PCT

APPENDIX E

Claims Correspondence Table

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in the PCT Application	Explanation Regarding the Correspondence
1	1	Substantially identical
2	2	Substantially identical
3	3	Substantially identical
4	4	Substantially identical, multiple dependency removed
5	5	Substantially identical, multiple dependency removed
6	6	Substantially identical, multiple dependency removed
7	7	Substantially identical
8	8	Substantially identical
9	9	Substantially identical
10	10	Substantially identical
11	11	Substantially identical
12	12	Substantially identical
13	13	Substantially identical
14	14	Substantially identical
15	4	Substantially identical, multiple dependency removed
16	5	Substantially identical, multiple dependency removed
17	6	Substantially identical, multiple dependency removed
18	11	Substantially identical, multiple dependency removed
19	12	Substantially identical, multiple dependency removed
20	13	Substantially identical, multiple dependency removed

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/668,284	01/08/2010	Toshio Fuwa	353097US26PCT	5134

22850 7590 11/10/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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EXAMINER	
KEITH, JACK W	
ART UNIT	**PAPER NUMBER**
3663	

NOTIFICATION DATE	DELIVERY MODE
11/10/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re application of Toshio Fuwa Application No. 12/668,284 Filed: January 8, 2010 For: INVERTED WHEEL TYPE MOVING BODY AND METHOD OF CONTROLLING THE SAME	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 10, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/09/11

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COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of :
KYDONIEUS, Agis et al. :
Application No. 12/668,322 :
Filed: May 27, 2010 :
Attorney Docket No. **AGIE-001/01US 308541-2014** :

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 by Agis Kydonieus attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

- 9 SEP 2010

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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE IN 46802

In re Application of	:	
COATES, Michael, et al.	:	
Application No.: 12/668,360	:	
PCT No.: PCT/GB2008/002414	:	DECISION
Int. Filing Date: 15 July 2008	:	
Priority Date: 17 July 2007	:	ON PETITION UNDER
Docket No.: WHT0065	:	
For: METHOD FOR THE PREPARATION OF FLUOROPOLYMER POWDERED MATERIALS	:	37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 06 July 2010.

BACKGROUND

On 26 April 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 06 July 2010, applicant filed this petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) have been satisfied. The petition fee has been paid. Mr. Whitlow has indicated that has received the application papers and declaration and does not intend to cooperate. Applicant states the last known address of Mr. Robert Whitlow as 17 Fletcher Street, Warrington, Cheshire, United Kingdom WA4 6PY.

Item (4) has not been satisfied. The international application lists 8 inventors. Specifically, there are two inventors named "Joel Gines". The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT

and any changes made under PCT Rule 92*bis*. 37 CFR 1.41(a)(4). The Office does not have a record of the recording of a change under PCT Rule 92*bis*. If there is a second inventor Gines, then an oath or declaration executed by all inventors is required. If the inventorship in the international application contains a clerical error, applicants may wish to indicate that and file a petition under 37 CFR 1.182 to correct the error.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JAN 28 2011

PCT LEGAL ADMINISTRATION

BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE IN 46802

In re Application of
COATES, Michael, et al.
Application No.: 12/668,360
PCT No.: PCT/GB2008/002414
Int. Filing Date: 15 July 2008
Priority Date: 17 July 2007
Docket No.: WHT0065
For: METHOD FOR THE PREPARATION OF FLUOROPOLYMER POWDERED MATERIALS

DECISION

ON PETITIONS UNDER

37 CFR 1.47(a) and 1.182

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a) and Petition Under 37 CFR 1.182, filed in the United States Patent and Trademark Office (USPTO) on 19 November 2010.

BACKGROUND

On 09 September 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 19 November 2010, applicants filed a renewed petition under 37 CFR 1.47(a) and a petition under 37 CFR 1.182.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) have been satisfied. The petition fee has been paid. Mr. Whitlow has indicated that has received the application papers and declaration and does not intend to cooperate. Applicant states the last known address of Mr. Robert Whitlow as 17 Fletcher Street, Warrington, Cheshire, United Kingdom WA4 6PY.

Item (4) has not been satisfied. Applicants have furnished a petition under 37 CFR 1.182 to remove the second listing of "Joel Gines" as an inventor and have submitted a statement that

the name "Gines" contained a typographical error and should have read "Ginies". However, on review, the declaration executes the wrong application number, namely 12/6686,360. A new oath or declaration of the inventors is required.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice, but the petition under 37 CFR 1.182 is **GRANTED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 01 2011

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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE IN 46802

In re Application of
COATES, Michael, et al.
Application No.: 12/668,360
PCT No.: PCT/GB2008/002414
Int. Filing Date: 15 July 2008
Priority Date: 17 July 2007
Docket No.: WHT0065
For: METHOD FOR THE PREPARATION OF FLUOROPOLYMER POWDERED MATERIALS

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 25 March 2011.

BACKGROUND

On 28 January 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 25 March 2011, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) have been satisfied. The petition fee has been paid. Mr. Whitlow has indicated that has received the application papers and declaration and does not intend to cooperate. Applicant states the last known address of Mr. Robert Whitlow as 17 Fletcher Street, Warrington, Cheshire, United Kingdom WA4 6PY.

Item (4) has now been satisfied. Applicants have a declaration in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **25 March 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JUN 01 2011

PCT LEGAL ADMINISTRATION

Robert Whitlow
17 Fletcher Street
Warrington, Cheshire WA4 6PY
United Kingdom

In re Application of
COATES, Michael, et al.
Application No.: 12/668,360
PCT No.: PCT/GB2008/002414
Int. Filing Date: 15 July 2008
Priority Date: 17 July 2007
Docket No.: WHT0065
For: METHOD FOR THE PREPARATION OF FLUOROPOLYMER POWDERED MATERIALS

Dear Mr. Whitlow:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE IN 46802

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NOV 19 2010

OFFICE OF PETITIONS

DR. D. GRAESER LTD.
9003 FLORIN WAY
UPPER MARLBORO MD 20772

In re Application of	:	
Alexander Levin et al.	:	
Application No. 12/668,428	:	DECISION ON PETITION
Filed: September 7, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **1712**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 3, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3739 for action on the merits commensurate with this decision.

JoAnne Burke
Petitions Examiner
Office of Petitions

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of :
WILSDORF, Doris :
Application No.: 12/668,430 : DECISION ON
PCT No.: PCT/US2007/016035 :
Int. Filing Date: 13 July 2007 : REQUEST
Priority Date: None :
Attorney Docket No.: 322155US20PCT : UNDER 37 CFR 1.42
For: MP-T II MACHINES :

A review of the declaration reveals an indication that inventor Doris Wilsdorf is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 20 April 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 September 2010, applicants filed this request for status under 37 CFR 1.42 and the fee for a three month extension of time.

DISCUSSION

The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. 37 CFR 1.41(a)(4). The Office does not have record of a Rule 92*bis* change to the name of the inventor. The omission of half of an inventor's surname is not a transliteration or typographical error. It is perhaps a clerical error, but it is not exempted from the requirements of a petition under 37 CFR 1.182 to correct it. See MPEP 1893.01(e). As such, the declaration does not comply with 37 CFR 1.497(a).

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventor and the inventor's citizenship and the legal representative and the legal representative's citizenship, residence and postal address. See 37

CFR 1.497. The declaration lists the information for the legal representative, but not for the inventor. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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MAR 08 2011

PCT LEGAL ADMINISTRATION

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
KUHLMANN-WILSDORF, Doris	:	
Application No.: 12/668,430	:	DECISION ON
PCT No.: PCT/US2007/016035	:	
Int. Filing Date: 13 July 2007	:	REQUEST
Priority Date: None	:	
Attorney Docket No.: 322155US20PCT	:	UNDER 37 CFR 1.42
For: MP-T II MACHINES	:	

This decision is in response to applicant's renewed request for status under 37 CFR 1.42 and petition under 37 CFR 1.182, both filed in the United States Patent and Trademark Office on 05 January 2011.

BACKGROUND

On 19 November 2010, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicant's request for status.

On 05 January 2011, applicants filed this renewed request for status under 37 CFR 1.42 and the petition under 37 CFR 1.182.

DISCUSSION

The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. 37 CFR 1.41(a)(4). Applicant states that the name of the deceased inventor was Doris Kuhlmann-Wilsdorf and that the omission of half of her name was the result of a clerical error. The balance of the $400 petition fee will be charged to deposit account no. 15-0030, as authorized.

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventor and the inventor's citizenship and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. Applicant states that the citizenship, residence and mailing address listed are for both the deceased inventor and the legal representative. As such, the declaration complies with

37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.182 to correct the inventor's name and the request for status under 37 CFR 1.42 are **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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**FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413**

MAILED

APR 04 2012

OFFICE OF PETITIONS

In re Application of
Tetsuo Nagami, et al.
Application No.: 12/668,454
Filed: January 11, 2010
Attorney Docket No.: 04853.0219-00000
For: FUEL CELL AND ELECTRODE POWDER CONSTITUTING THE CATALYTIC LAYER THEREOF

: 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 March 9, 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 Terri Johnson at (571) 272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 07 2011

PCT LEGAL ADMINISTRATION

GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

In re Application of :
CHUNG, Leland W.K., et al. :
Application No.: 12/668,460 :
PCT No.: PCT/US2008/069631 :
Int. Filing Date: 10 July 2008 :
Priority Date: 13 July 2007 :
Docket No.: 126-08 :
For: CYANINE-CONTAINING :
COMPOUNDS FOR CANCER :
IMAGING AND TREATMENT :

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 04 November 2010.

BACKGROUND

On 22 April 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 04 November 2010, applicants filed a petition under 37 CFR 1.47(a) and the fee for a five month extension of time.

DISCUSSION

The correspondence address change cannot yet be granted as this petition is not grantable. As a courtesy, this decision only is being copied to the customer no. 50670.

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) have been met. The balance of the $200 petition fee will be charged to deposit account no. 04-0258, as authorized. Applicant states the last known address of the inventor as No. 99-1 Gaotan Yican; 30 Gaotanyan Road; Chongqing, 400038; China.

Item (2) has not been satisfied. The single mailing of the complete copy of the application to the inventor was returned as undeliverable with a notation that the address was incorrect. There is no evidence that any of the emails were received by the inventor. Further, the last successful communication with the inventor at that email address was months prior to the attempt to communicate concerning this application. A diligent effort to locate a current address for the inventor is required.

Copies of internet searches should be provided. MPEP 409.03(d).

Item (4) has not been satisfied. The declaration is illegible in parts and it has been pieced together from separately executed declarations to create a single composite declaration. As to legibility, the declaration appears to have been scanned with insufficient resolution. If it isn't a scanning error, but rather the original is also illegible, a new oath or declaration is required.

As to the composite declaration, the declaration returned to the Office must be as it was executed by the inventors. While it is acceptable for inventors to execute separate copies of the declaration, the complete copy of the declaration as executed by the inventor must be returned. The declaration indicates that there are only 3 supplemental sheets, but there are 7.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

cc: customer no. 50670
DAVIS WRIGHT TREMAINE LLP/LOS ANGELES
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES, CA 90017-2566

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVIS WRIGHT TREMAINE LLP/LOS ANGELES
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES, CA 90017-2566

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
CHUNG, Leland W.K., et al.	:	
Application No.: 12/668,460	:	DECISION
PCT No.: PCT/US2008/069631	:	
Int. Filing Date: 10 July 2008	:	ON PETITION UNDER
Priority Date: 13 July 2007	:	
Docket No.: 126-08	:	37 CFR 1.47(a)
For: CYANINE-CONTAINING COMPOUNDS FOR CANCER IMAGING AND TREATMENT	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 09 May 2011.

BACKGROUND

On 07 January 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 09 May 2011, applicants filed a renewed petition under 37 CFR 1.47(a) and the fee for a two month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) have been met. Applicant states the last known address of the inventor as No. 99-1 Gaotan Yican; 30 Gaotanyan Road; Chongqing, 400038; China.

Item (2) has been satisfied. Applicants provided the inventor with a complete copy of the application papers, including the declaration. After the passage of sufficient time, applicants have not received an executed oath or declaration.

Item (4) has been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **09 May 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Chunmeng Shi
No. 99-1 Gaotan Yican
30 Gaotanyan Road
Chongqing, 400038
China

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
CHUNG, Leland W.K., et al.
Application No.: 12/668,460
PCT No.: PCT/US2008/069631
Int. Filing Date: 10 July 2008
Priority Date: 13 July 2007
Docket No.: 126-08
For: CYANINE-CONTAINING COMPOUNDS FOR CANCER IMAGING AND TREATMENT

Dear Mr. Shi:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

DAVIS WRIGHT TREMAINE LLP/LOS ANGELES
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES, CA 90017-2566

UNITED STATES 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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OCT 21 2010

OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

In re Application of	:	
Martin Nissen, et al.	:	
Application No. 12/668,461	:	DECISION ON PETITION
Filed: May 6, 2010	:	
Attorney Docket No.: 30051/45199	:	

This is a decision in response to the "Petition For Inventor Name Change Pursuant to 37 CFR 1.182," filed August 26, 2010.

The petition is **DISMISSED AS MOOT**.

Petitioner request that the name of Cornelia Stumpe be changed to Cornelia Folz because of a name change due to a legal marriage. However, a review of the record shows that the original Filing Receipt, mailed May 28, 2010, contains the married name of the inventor in question. Further, 37 CFR 1.141(a)(1) states that the inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by §1.63, except as provided for in § §1.53(d)(4) and 1.63(d).

Since the executed declaration filed on May 6, 2010 properly sets forth the names of all of the joint inventors, including Cornelia Folz, no petition under 37 CFR 1.182 is required. The $400 fee submitted for the petition is being credited to petitioner's deposit account.

As pre-examination processing has been completed, the application is being referred to Technology Center AU 1797 for examination in due course.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 14 2010

PCT LEGAL ADMINISTRATION

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of :
LOHMANN, et al. :
Application No: 12/668,517 :
PCT No.: PCT/DK2008/050174 :
Int. Filing Date: 09 July 2008 :
Priority Date: 12 July 2007 :
Attorney Docket No.: HOI-039XX :
For: PADLOCK PROBE AMPLIFICATION METHODS :

DECISION
ON
REQUEST FOR REFUND

This decision is issued in response to applicant's petition under 37 CFR 1.181 dated 26 October 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

The request for refund states that the transmittal letter, submitted on 11 January 2010, did not authorize the Director to charge Deposit Account no. 23-0804 for any additional fees beyond the Basic National Fee which applicant submitted electronically with the initial filing. A review of the application file and finance record reveals that the deposit account no. was charged a $6344.00 in excess claims fees (multiple dependent surcharge), which was not authorized by the applicant. Therefore, applicant is entitled to a refund of the excess claims fees (multiple dependent surcharge) paid in this application. Applicant subsequently submitted a preliminary amendment on 08 September 2010 amending the claims. All claims calculations therefore are based on these amended claims.

The United States Designated/Elected Office (DO/EO/US) will apply a credit in the amount of **$5772.00** to Deposit Account No. **23-0804**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Derek A. Putonen
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3294

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:	12/668,556	Filing date:	January 11, 2010
First Named Inventor:	MURRAY		
Title of the Invention:	CAPTURED CO2 FROM ATMOSPHERIC, INDUSTRIAL AND VEHICLE COMBUSTION WASTE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/065114

The international date of the corresponding PCT application(s) is/are: November 19, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/668,556
First Named Inventor:	MURRAY

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	3	Claim 1 is amended to include the subject matter of claim 3.
2, 4-8	2, 4-8	Same
23	24	Claim 23 is amended to include the subject matter of claim 24
25	25	Same
26	27	Claim 26 is amended to include the subject matter of claim 27
28-30	28-30	Same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Douglas E Jackson	Date August 10, 2010
Name (Print/Typed) Douglas E. Jackson	Registration Number 28518

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.
12/668,556	01/11/2010	Kenneth D. Murray	P09629US01/WEJ	7060

881 7590 09/22/2010

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER	
VANOY, TIMOTHY C	
ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
09/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplaw@stites.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CT

September 21, 2010

In re application of Kenneth D. Murray et al Serial No. 12/668,556 Filed: January 11, 2010 For: CAPTURED CO2 FROM ATMOSPHERIC, INDUSTRIAL AND VEHICLE COMBUSTION WASTE	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 10, 2010, to make the above-identified application special.

The request and petition are **DISMISSED** as moot. Specifically, the petition to make special under the Green Technology Pilot Program was granted on July 7, 2010 and a non-final office action was mailed in this application on August 20, 2010.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, 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, a petition to make special under the Green Technology Pilot Program was granted on July 7, 2010 and a non-final office action has been mailed in this application on August 20, 2010.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED
MAR 0 9 2012
OFFICE OF PETITIONS

In re Application of
Kazuya Murata et al.
Application No.: 12/668,594
Filed: January 11, 2010
Attorney Docket No.: 14006/144
For: Mobile Body

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 29, 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:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
3. Examination of the U.S. application has not begun;
4. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
5. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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

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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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NOV 01 2010

PCT LEGAL ADMINISTRATION

Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614

In re Application of	:	
WILBY	:	DECISION ON PETITION
Serial No.: 12/668,607	:	
PCT No.: PCT/FR2008/051276	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 08 July 2008	:	
Priority Date: 12 July 2007	:	
Atty Docket No.: 1075-014113-US (PCT)	:	
For: DEVICE AND METHOD FOR DETECTING A FAILURE IN A POWERED VALVE	:	

This decision is in response to the petition under 37 C.F.R. 1.47(b) filed 30 August 2010 in the United States Patent and Trademark Office (USPTO). Applicant paid a petition fee of $130.00. Applicant is advised that the petition fee for proceeding under 37 CFR 1.47 is $200.00. As authorized, the remaining $70.00 will be charged to deposit account number 16-1350.

BACKGROUND

On 08 July 2008, applicant filed international application PCT/FR2008/051276 which claimed priority to an earlier application filed 12 July 2007. A copy of the international application was transmitted to the United States by the International Bureau (IB) on 05 February 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 January 2010.

On 11 January 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1). An executed oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 13 April 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $130.00 for filing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. (37 CFR 1.492(e)). Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 30 August 2010, applicant responded with the present petition. As authorized, the $130.00 surcharge and extension of time fee of $1110.00 for a three-month extension of time

will be charged to deposit account number 16-1350.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied all six items and it is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 08 July 2008 under 35 U.S.C. 363, and will be given a date of **30 August 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 01 2010

PCT LEGAL ADMINISTRATION

Mr. Richard Wilby
22, Rue de L'Ancienne Tuilerie
31820 Pibrac
FRANCE

In re Application of
WILBY
Serial No.: 12/668,607
PCT No.: PCT/FR2008/051276
Int. Filing Date: 08 July 2008
Priority Date: 12 July 2007
Atty Docket No.: 1075-014113-US (PCT)
For: DEVICE AND METHOD FOR DETECTING A FAILURE IN A POWERED VALVE

Dear Mr. Wilby:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of record:
Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614
United States of America

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 28 2010

PCT LEGAL ADMINISTRATION

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www.uspto.gov

Silicon Forest Patent Group
Paul J. Fordenbacher
11876 NW Tyler Ct
Portland OR 97229

In re Application of	:	
TRUE, Paul Leeroy, et al.	:	
Application No.: 12/668,660	:	DECISION ON
PCT No.: PCT/US2008/073083	:	
Int. Filing Date: 13 August 2008	:	PETITION
Priority Date: 13 August 2007	:	
Attorney Docket No.: LNX2003PRPCTUS	:	UNDER 37 CFR 1.182
For: TRANSCODER APPARATUS AND METHODS	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 23 June 2010.

BACKGROUND

On 25 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 23 June 2010, applicants submitted a declaration of the inventors and a petition under 37 CFR 1.182.

DISCUSSION

The fee for a petition under 37 CFR 1.182 has been paid. Applicant has supplied a copy of the court order changing the name of inventor "Ammon Joseph Gomez" to "Ammon Joseph Carpenter".

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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BASF SE
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LUDWIGSHAFEN D6705-6 DE GERMANY

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DEC 21 2011

OFFICE OF PETITIONS

In re Application of :
Amber Shirley et al. :
Application No. 12/668,665 : ON PETITION
Filed: January 10, 2012 :
Attorney Docket No.: **PF60058-02** :

This is a decision on the petition filed November 28, 2011, under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

A Restriction Requirement mailed May 4, 2011 set the longer of one month or thirty days as the period for reply. No response to the Restriction Requirement having been timely filed, the application became abandoned June 7, 2011. Accordingly, a Notice of Abandonment was mailed November 22, 2011.

The petition fee in the amount of $1860 has been applied to the finance records for the instant patent application.

Additionally, the record reveals that after the abandonment and with the instant petition to revive, a five month extension of time was filed, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

obtainable for reply to avoid abandonment. Accordingly, since the $2690 extension of time fee submitted with the petition on November 28, 2011 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited back to deposit account no. 02-1197.

The response to the Restriction Requirement filed November 28, 2011 will be referred to Technology Center 1638 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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.
12/668,674	01/12/2010	Takayuki Kato	Q116841	8042

65565 7590 10/05/2010

SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER	
WALKE, AMANDA C	
ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
10/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SUGHRUE265550@SUGHRUE.COM
USPTO@SUGHRUE.COM
PPROCESSING@SUGHRUE.COM

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Commissioner for Patents
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CST

October 4, 2010

In re application of	:	DECISION ON REQUEST TO
Takayuki Kato et al	:	PARTICIPATE IN PATENT
Serial No. 12/668,674	:	PROSECUTION HIGHWAY
Filed: January 12, 2010	:	PROGRAM AND
For: POSITIVE RESIST COMPOSITION	:	PETITION TO MAKE SPECIAL
AND PATTERN FORMING METHOD	:	UNDER 37 CFR 1.102(a)
USING THE SAME	:	

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed August 3, 2010.

The request and petition are **DISMISSED** as moot. Specifically, a decision granting the original request and petition to participate in the Patent Prosecution Highway (PPH) program filed June 11, 2010 was mailed on July 30, 2010. Additionally, a non-final Office action was mailed on September 20, 2010.

While applicant did not specifically identify the relationship between Japanese Patent Application 2008-180797 (the JPO application with allowable claims) and Japanese Patent Application 2007-184394 (the present application claims priority to this JPO application) in the original request, a review of the documents filed in Japanese Patent Application No. 2008-180797, via the Dossier Access System, indicated that internal priority was claimed to Japanese Patent Application 2007-184394 in Japanese Patent Application No. 2008-180797.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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DEC 09 2010

PCT LEGAL ADMINISTRATION

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston MA 02111

In re Application of :
SHEMESH et al. :
U.S. Application No.: 12/668,712 : DECISION ON PETITION
PCT No.: PCT/IB2008/002447 : UNDER 37 CFR 1.182
International Filing Date: 11 July 2008 :
Priority Date: 12 July 2007 :
Attorney's Docket No.: 28800-513N01US :
For: BIOACTIVE PEPTIDES AND METHODS OF USING SAME :

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 10 November 2010 which is being treated as a Petition under 37 CFR 1.182, as explained below. The response (petition) seeks to change the name of fifth inventor. The required $400 petition has been charged to Deposit Account no. 50-0311.

BACKGROUND

On 12 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 19 April 2010, the 20United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 07 June 2010, applicants filed a declaration executed by: Ronen Shemesh; Zurit Levine; Amir Toporik; Yossef Klinger; Assaf Wool, Eyal Gofer, Dvir Dahary; and Yossi Cohen.

On 14 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 07 June 2010 was not executed in accordance with 37 CFR 1.497(a)-(b) and does not properly identify the fifth inventor.

On 10 November 2010, applicants filed "Response to Notification of Defective Response" considered herein.

DISCUSSION

In the published international application, the fifth inventor was identified as Yossi Klinger. On the declaration filed 07 June 2010, this inventor was identified as Yossef Klinger. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Applicants state that "the inventor changed the spelling of his name to Yosef Klinger." In this situation, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having fifth hand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Applicants' present petition included payment of the required petition fee. (The required $400 petition has been charged to Deposit Account no. 50-0311.) However, the response does not include the required statement from the inventor confirming his correct name and indicating that the listing of Yossi Klinger on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the fifth inventor from Yossi Klinger to Yossef Klinger is not appropriate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston MA 02111

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MAR 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
SHEMESH et al.
U.S. Application No.: 12/668,712
PCT No.: PCT/IB2008/002447
International Filing Date: 11 July 2008
Priority Date: 12 July 2007
Attorney's Docket No.: 28800-513N01US
For: BIOACTIVE PEPTIDES AND METHODS OF USING SAME

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Response to Petition Decision of December 09, 2010" filed 25 January 2011, treated herein as a Renewed Petition under 37 CFR 1.182. The petition seeks to change the name of the fifth inventor.

BACKGROUND

On 12 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 19 April 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) was required. The notification set a two-month time limit in which to respond.

On 07 June 2010, applicants filed a declaration executed by: Ronen Shemesh; Zurit Levine; Amir Toporik; Chen Hermesh; Yossef Klinger; Assaf Wool, Eyal Gofer, Dvir Dahary; and Yossi Cohen.

On 14 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 07 June 2010 was not executed in accordance with 37 CFR 1.497(a)-(b) and does not properly identify the fifth inventor.

On 10 November 2010, applicants filed "Response to Notification of Defective Response" considered herein. In a decision dated 09 December 2010, applicants' petition under 37 CFR 1.182 was dismissed without prejudice.

On 25 January 2011, applicants filed the present renewed request.

DISCUSSION

In the published international application, the fifth inventor was identified as Yossi Klinger. On the declaration filed 07 June 2010, this inventor was identified as Yossef Klinger. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

As previously stated, there is a discrepancy between the first name of record for the fifth inventor (Yossi) and the first name of this inventor listed on the executed declaration (Yossef). Applicant's 25 January 2011 submission confirms that the correct spelling of the inventor's name is "Yossef." The submission goes on to assert that the incorrect listing of the inventor's name as "Yossi" in the international application resulted from a "typographical error" and that a petition under 37 CFR 1.182 is therefore not required. However, the incorrect first name provided by applicant in the international application (Yossi) is a common, alternative version of the name in question, not an entry in which a person attempting to type the correct name simply made a typing error. Applicants' use of an incorrect alternative spelling of the inventor's name is not considered a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor to correspond with the name listed on the declaration, a grantable petition under 37 CFR 1.182 is required. Under the present circumstances, such a petition requires payment of the applicable $400 petition fee and a statement confirming the correct name of the inventor. (The petition fee was previously submitted on 10 November 2010.)

The present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record for the inventor from Yossi Klinger to Yossef Klinger. In view of the above correction, the declaration filed on 07 June 2010 is no longer defective for failure to properly identify the inventor of record herein. The declaration may therefore be accepted in compliance with 37 CFR 1.497.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the inventor from Yossi Klinger to Yossef Klinger is GRANTED.

In view of this correction, the executed declaration filed 07 June 2010 is now acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 June 2010.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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ALEXANDRIA VA 22314

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JUN 16 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
NAKAMURA et al	:	
Application No.: 12/668,721	:	
PCT No.: PCT/JP2009/005995	:	PAPERS FILED
Int. Filing Date: 10 November 2009	:	
Priority Date: N/A	:	
Attorney's Docket No.: WL-7381	:	UNDER 37 CFR 1.42
For: STORAGE SYSTEM WITH MULTIPLE CONTROLLERS	:	

This is a decision on the declaration filed 12 January 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 12 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and included an executed declaration signed by Emi NAKAMURA as the legal representative of the deceased joint inventor Shuji NAKAMURA.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship, residence, and mailing addresses of Emi NAKAMURA (legal representatives) and the citizenship of the deceased joint inventor Shuji NAKAMURA on the declaration. Thus, the necessary information has been provided on the declaration. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/668,724	01/12/2010	Hiroshi Hayata	P37846	8316

52123 7590 01/13/2011

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
01/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
HAYATA et al
Application No.: 12/668,724
Filed: 12 January 2010
Attorney Docket No.: P37846
For: ORGANIC ELECTROLUMINESCENT DISPLAY AND MANUFACTURING METHOD THEREFOR

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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JUN 16 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
TANAKA et al	:	
Application No.: 12/668,761	:	
PCT No.: PCT/JP2009/005659	:	PAPERS FILED
Int. Filing Date: 27 October 2009	:	
Priority Date: N/A	:	
Attorney's Docket No.: WL-7382	:	UNDER 37 CFR 1.42
For: STORAGE SYSTEM MOUNTED WITH PLURALITY OF PROCESSORS	:	

This is a decision on the declaration filed 12 January 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 12 January 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and included an executed declaration signed by Emi NAKAMURA as the legal representative of the deceased joint inventor Shuji NAKAMURA.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship, residence, and mailing addresses of Emi NAKAMURA (legal representatives) and the citizenship of the deceased joint inventor, Shuji NAKAMURA, on the declaration. Thus, the necessary information has been provided on the declaration. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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29880
FOX ROTHSCHIILD LLP
Princeton Pike Corporate Center
997 Lenox Drive, Bldg #3
Lawrenceville, NJ 08648

MAILED

MAR 31 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KNEPPER *et al* :
U.S. Application No.: 12/668,765 :
PCT No.: PCT/US2008/070153 :
Int. Filing Date: 16 July 2008 :
Priority Date: 16 July 2007 :
Docket No.: 56993-00051 :
For: PHYSIOLOGICAL DATA COLLECTION SYSTEM :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 31 January 2011 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b), a $65.00 surcharge fee and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

United States Patent and Trademark Office

13 SEP 2010

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HITT GAINES, PC
LSI Corporation
PO BOX 832570
RICHARDSON TX 75083

In re Application of	:	
Hochmuth et al.	:	
Application No.: 12/668,796	:	DECISION
PCT No.: PCT/EP2007/057212	:	
Int. Filing Date: 12 July 2007	:	ON
Priority Date: N/A	:	
Attorney Docket No.: HOCHMUTH 1-27-B-USA	:	PETITION
For: Controlling A Call Setup Process	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 15 June 2010.

BACKGROUND

This international application was filed on 12 July 2007, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 January 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 January 2010. Applicants filed *inter alia* the basic national fee on 12 January 2010..

On 16 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner requests relief under 37 CFR 1.47(b), but the petition is being treated under 37 CFR 1.47(a) because one of the inventors has executed the application. A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner states that "after diligent effort as demonstrated by the attached affidavit from Katerina Misikova, we have not been able to reach Assaf Landschaft." Ms. Misikova describes the unsuccessful sending of correspondence to Mr. Landschaft at his Riedlstrasse address, as well as to his email address. However, Ms. Misikova also states that, when a parcel was sent to Mr. Landschaft at his later-discovered Hohenzollernstrasse address, it resulted in a return receipt reflecting his receipt thereof.

It is not clear that the parcel mailed on 04 June 2010 included a complete copy of the application papers, or that Mr. Landschaft otherwise was presented with a complete copy of the

application. In addition, the instant petition was filed on 15 June 2010, four days after Mr. Landschaft's alleged receipt of the parcel. It is not clear that this was sufficient time for Mr. Landschaft to receive the parcel, consider the contents and return an executed declaration tocounsel. Additionally, petitioner has not provided English translations of the postal evidence relied upon. Thus, it would not be appropriate to construe his failure to return a signed declaration as a "refusal" within the meaning of 37 CFR 1.47(a) at this time. *See* MPEP 409.03(d).

Regarding **requirement (3)**, the petition provides the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 15 June 2010 reveals that it satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HITT GAINES, PC
PO BOX 832570
RICHARDSON TX 75083

In re Application of
Hochmuth et al.
Application No.: 12/668,796
PCT No.: PCT/EP2007/057212
Int. Filing Date: 12 July 2007
Priority Date: N/A
Attorney Docket No.: HOCHMUTH 1-27-B-USA
For: Controlling A Call Setup Process

DECISION
ON
PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 27 October 2010.

DISCUSSION

In a Decision mailed on 13 September 2010, the petition filed on 15 June 2010 was dismissed under 37 CFR 1.47(a), without prejudice, because requirement (2) had not been satisfied. In response, petitioner now has provided a declaration executed by formerly non-signing joint inventor Landschaft. As such, the petition under 37 CFR 1.47(a) has been rendered **MOOT**. However, further inspection of the newly-submitted declaration reveals that it does not name the entire inventive entity nominated in the published international application; instead, it names only Mr. Landschaft. As such, the declaration is not acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

In the event that Mr. Landschaft executed a complete declaration but the page naming Mr. Hochmuth inadvertently was omitted upon filing, petitioner should re-submit the complete declaration as signed. If this is not the case, a new declaration by Mr. Landschaft would be required.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time may **NOT** be obtained under 37 CFR 1.136(a). This period for response is analogous to that which would be set by a Notification of Defective Response (Form PCT/DO/EO/916). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Bingham Mchale LLP
2700 Market Tower
10 West Market Street
Indianapolis IN 46204-4900

MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SINFIELD et al. :
Application No.: 12/668,844 : DECISION ON REQUEST
PCT No.: PCT/US2008/069978 :
Int. Filing Date: 14 July 2008 :
Priority Date: 13 July 2007 :
Attorney Docket No.: 17933-91413 :
For: TIME RESOLVED RAMAN SPECTROSCOPY

This decision is issued in response to applicant's "Request to Add Unintentionally Omitted Inventor to Application in Accordance with 37 CFR 1.48(a)" dated 30 August 2010 treated herein as a Petition under 37 CFR 1.497(d).

BACKGROUND

On 14 July 2008, applicant filed international application PCT/US2008/069978 which claimed a priority date of 13 July 2007. The international application named Joseph V. Sinfield as an applicant/inventor. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 13 January 2010.

On 12 January 2010, applicant filed a transmittal letter for entry into the national stage accompanied by, inter alia: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 07 May 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 19 August 2010, applicant filed a declaration executed by: Joseph V. Sinfield and Oliver Colic.

On 26 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because Oliver Colic was not listed on the international application.

On 30 August 2010, applicant filed a "Request to Add Unintentionally Omitted Inventor to Application in Accordance with 37 CFR 1.48(a)" considered herein.

DISCUSSION

Applicant requests to add Oliver Colic as an inventor to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1), (2), and (3).

Applicant has not satisfied item (4). In order to satisfy item (4), applicant is required to submit a written consent of assignee (Purdue Research Foundation) to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

The inventors of record remain the inventors named on the international application.

CONCLUSION

Applicant's request to add Constatin Polychronakos under 37 CFR 1.497(d) is DISMISSED without prejudice.

Applicant must file a proper response to this decision within TWO (2) MONTHS from the mail date indicated above. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Bingham Mchale LLP
2700 Market Tower
10 West Market Street
Indianapolis IN 46204-4900

MAILED

JUN 29 2011

PCT LEGAL ADMINISTRATION

In re Application of
SINFIELD et al.
Application No.: 12/668,844
PCT No.: PCT/US2008/069978
Int. Filing Date: 14 July 2008
Priority Date: 13 July 2007
Attorney Docket No.: 17933-91413
For: TIME RESOLVED RAMAN SPECTROSCOPY

DECISION ON REQUEST

In a decision mailed by this Office on 21 April 2011, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 10 May 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Applicant's submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Oliver Colic as an inventor is appropriately granted. Based on this correction, the declaration filed on 19 August 2010 (which named Joseph Sinfield and Oliver Colic) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED.**

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 19 August 2010.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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: MIE-02PCTUS	Application Number (if known): 12/668,869	Filing date: 01/12/2010

First Named Inventor: Sven Mierswa

Title: Reducing Waterborne Bacteria and Viruses by a Controlled Electric Field

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 of Special Status

Signature /bjluther/	Date 06/22/2011
Name (Print/Typed) Barbara J. Luther	Registration Number 33954

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sven Mierswa	Examiner:	Cameron Allen
Docket No.:	MIE-02PCTUS	Serial No.:	12/668,869
Filed:	01/12/2010	Group Art Unit:	1778
Title:	Reducing Waterborne Bacteria and Viruses by a Controlled Electric Field		

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This Statement is being submitted with form SB420, the Petition to Make Special under the Green Technology Pilot Program. Following are reasons that the invention of the above-captioned patent application materially enhances the quality of the environment, namely the water supply.

1. In many locations, water – an essential element for life – is chemically and biologically polluted. Currently disinfection of water in both large and small quantities is generally accomplished by the addition of chemicals to the water. The most common chemical additive is chlorine. Adding chlorine or other chemicals to the water eliminates most micro-organisms. However, chlorine is ineffective in eliminating some micro-organisms. Data indicate that the inventive product and method are effective in killing microorganisms.

2. Using chlorine negatively impacts the quality of the environment. Chlorine itself is a known carcinogen. Water disinfection by-products also cause serious problems. To date there have been no "disinfection by-products" associated with the

inventive unit. The inventive product and system transiently impart only electrical impulses to the water. The inventive unit uses low voltage (less than 53 volts) electrical pulses to exterminate the micro-organisms. These electrical pulses are maintained within a "reaction chamber" by way of the design and construction of the chamber.

3. Besides chemical disinfection processes adding a foreign substance to the water, there is an economic issue. With chemical disinfection, adding chemicals to the water is an ongoing process, which usually increases with time. The inventive system has a low initial cost and minimal operational costs, making it economically preferable. The inventive system is particularly advantageous for poor and/or rural areas that cannot afford a typical water treatment plant, as it has a low start-up cost, minimal operational cost and nominal maintenance. Since the inventive system is not a filter- or media-based system there is no need to "backwash" or "flush" the system; hence, there is no wasted water. The system is only "operational" when water is flowing; further limiting the energy requirement of the system.

If the Office of Petitions has any questions that can be resolved with a telephone call, the Office is respectfully requested to telephone the undersigned at 480-766-8064.

Respectfully yours,

By /barbarajluther/
Barbara J. Luther
Reg. No. 33,954

Customer Number: 51951
The Luther Law Firm, PLC
10575 N 114th St., Suite 103
Scottsdale, AZ 85259

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.
12/668,869	01/12/2010	Sven Mierswa	MIE-02PCTUS	9152

51951 7590 07/14/2011
THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE, AZ 85259

EXAMINER	
ALLEN, CAMERON J	

ART UNIT	PAPER NUMBER
1778	

NOTIFICATION DATE	DELIVERY MODE
07/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@THELUTHERLAWFIRM.COM
bjl@thelutherlawfirm.com

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Commissioner for Patents
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7/14/11

THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

In re Application of :
MIERSWA, SVEN :
Application No. 12/668,869 :
Filed: 01/12/2010 :
Attorney Docket No. MIE-02PCTUS :

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 June 22, 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 1778 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/668,891	Filing date:	January 13, 2010
First Named Inventor:	Philip TWELL		
Title of the Invention:	FLUID INTAKE ASSEMBLY		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/053202

The international date of the corresponding PCT application(s) is/are:

March 18, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/668,891
First Named Inventor:	Philip Twell

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on January 13, 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 January 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1	US claim as per Preliminary Amendment filed 01/13/2010
13	1	US claim as per Preliminary Amendment filed 01/13/2010
14	-	US claim as per Preliminary Amendment filed 01/13/2010
15	2	US claim as per Preliminary Amendment filed 01/13/2010
16	3	US claim as per Preliminary Amendment filed 01/13/2010
17	4	US claim as per Preliminary Amendment filed 01/13/2010
18	5	US claim as per Preliminary Amendment filed 01/13/2010
19	6	US claim as per Preliminary Amendment filed 01/13/2010
20	-	US claim as per Preliminary Amendment filed 01/13/2010
21	7	US claim as per Preliminary Amendment filed 01/13/2010
22	7	US claim as per Preliminary Amendment filed 01/13/2010
23	-	US claim as per Preliminary Amendment filed 01/13/2010
24	8	US claim as per Preliminary Amendment filed 01/13/2010
25	9	US claim as per Preliminary Amendment filed 01/13/2010
26	10	US claim as per Preliminary Amendment filed 01/13/2010
27	11	US claim as per Preliminary Amendment filed 01/13/2010
28	-	US claim as per Preliminary Amendment filed 01/13/2010
29	7, 4	US claim as per Preliminary Amendment filed 01/13/2010
30	7, 5	US claim as per Preliminary Amendment filed 01/13/2010

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tina Gonka/	Date March 1, 2011
Name (Print/Typed) Tina Gonka	Registration Number L0623

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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.
12/668,891	01/13/2010	Philip Twell	2007P27556WOUS	9556

22116 7590 03/02/2011

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
TWELL, PHILIP	: DECISION ON REQUEST TO
Application No. 12/668,891	: PARTICIPATE IN PATENT
Filed: Jan. 13, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2007P27556WOUS	: PILOT PROGRAM AND PETITION
For: FLUID INTAKE ASSEMBLY	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 1, 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 Edward Look, the SPE of Art Unit 3745 and (571)272-4820 for Class 415/200 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
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DEC 20 2010

PCT LEGAL ADMINISTRATION

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of
Steven
Application No.: 12/668,906
PCT No.: PCT/US2008/069996
Int. Filing Date: 14 July 2008
Priority Date: 13 July 2007
Attorney Docket No.: 1332.78630
For: Two-Phase Flow Meter

DECISION

ON

PETITION

This is in response to the petition under 37 CFR 1.47(b) filed on 25 October 2010.

BACKGROUND

This international application was filed on 14 July 2008, claimed an earlier priority date of 13 July 2007, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 13 January 2010. Applicants filed *inter alia* the basic national fee on 13 January 2010.

On 23 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration compliant with 37 CFR 1.497(a) and (b), and a surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known addresses of the inventors, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding requirement (1), petitioner has paid $130.00 toward the $200.00 petition fee. The $70.00 balance is due.

Regarding requirement (2), petitioner indicates that, in June 2010, Troy Hall sent a copy of the application and a declaration to Mr. Steven, but petitioner has provided neither a first-hand statement by Mr. Hall nor a copy of the correspondence.

Petitioner also states that he sent a copy of the application and a declaration to "Mr. Steven's attorney" during September 2010, but has not specified the date nor provided a copy of the correspondence. Petitioner alludes to "telephone calls" which "have not been successful in obtaining the signed declaration," but does not substantively describe the nature and contents of

said telephone calls. As such, it is not clear that requirement (2) has been satisfied at this time. *See* MPEP 409.03(d).

Regarding requirement (3), the petition does not include an explicit statement of the inventor's last known address.

Concerning requirement (4), the petition is not accompanied by a declaration signed on behalf of the inventor by a 37 CFR 1.47(b) applicant.

Regarding requirement (5), the petition is not accompanied by adequate proof of sufficient proprietary interest in a 37 CFR 1.47(b) applicant. *See* MPEP 409.03(f). Therefore, requirement (5) has not been satisfied at this time.

Regarding requirement (6), the petition does not include an explicit showing (or statement) that according the application status under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damage.

DECISION

The petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 17 2011

PCT LEGAL ADMINISTRATION

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of
Steven
Application No.: 12/668,906
PCT No.: PCT/US2008/069996
Int. Filing Date: 14 July 2008
Priority Date: 13 July 2007
Attorney Docket No.: 1332.78630
For: Two-Phase Flow Meter

DECISION

ON

PETITION

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 19 April 2011.

DISCUSSION

In a Decision mailed on 20 December 2010, the petition under 37 CFR 1.47(b) filed on 25 October 2010 was dismissed, without prejudice, because requirements (1), (2), (3), (4), (5) and (6) had not been satisfied.

In response, petitioner has submitted a declaration signed by the sole inventor, Richard N. Steven, which complies with the requirements of 37 CFR 1.497(a) and (b). As such, the petition under 37 CFR 1.47(b) has been rendered **MOOT**.

The $130.00 partial payment toward the petition fee, charged on 25 October 2010, is being refunded.

DECISION

The petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**, without prejudice.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **19 April 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NOV 01 2011

OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

Applicants: Din Belle, et al.
Appl. No.: 12/668,918
International Filing Date: July 18, 2008
Title: 2, 3-DIHYDROBENZO(1,4) DIOXIN-2-YLMETHYL DERIVATIVES AS ALPHA2C ANTAGONISTS FOR USE IN THE TREATMENT OF PERIPHERIC AND CENTRAL NERVOUS SYSTEME DISEASES
Attorney Docket: 06267.0168-00000
Pub. No.: US 20100216836 A1
Pub. Date: August 26, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 13, 2010, for the above-identified application.

The request is granted

Applicant requests that the application be republished because the patent application publication contains an error wherein the assignee's name is incorrect and an error in claim 110.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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APR 26 2011

PCT LEGAL ADMINISTRATION

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of SUGIMOTO et al. :
Application No.: 12/668,923 : DECISION
PCT No.: PCT/JP08/63011 :
Int. Filing Date: 18 July 2008 :
Priority Date: 19 July 2007 :
Attorney Docket No.: :
For: DETACHABLE ADHESIVE CONTAINING REACTION :
PRODUCT OF OXIDIZING AGENT AND AMINE COMPOUND:

This is in response to applicant's "Request for Correction of Notice of Acceptance" filed in the United States Patent and Trademark Office (USPTO) on 25 May 2010.

Prior to the expiration of the thirty month period, on 13 January 2010, applicant filed a request for entry into the U.S. National Stage, including, *inter alia*, the basic national fee, English translation of the international application and an executed dual language declaration. As set forth in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. *See* MPEP 602.06. Applicant did not employ the USPTO form Japanese/English language declaration (Form PTO/SB/106). Applicant must provide a statement regarding the accuracy of the English translation of the Japanese/English language declaration.

The Notice of Acceptance mailed on 22 April 2010 incorrectly identifies the date of completion of the 35 U.S.C. 371 requirements as 19 January and hereby **VACATED**.

Applicant's "Request for Correction of Notice of Acceptance" is dismissed without prejudice. This application will be held in the PCT Legal Office to await applicant's further reply.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

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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JUL 15 2011

PCT LEGAL ADMINISTRATION

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of SUGIMOTO et al. :
Application No.: 12/668,923 : DECISION
PCT No.: PCT/JP08/63011 :
Int. Filing Date: 18 July 2008 :
Priority Date: 19 July 2007 :
Attorney Docket No.: :
For: DETACHABLE ADHESIVE CONTAINING REACTION :
PRODUCT OF OXIDIZING AGENT AND AMINE COMPOUND:

This is in response to applicant's "Response to Petition Decision Dated April 26, 2011" filed in the United States Patent and Trademark Office (USPTO) on 05 May 2011.

Petitioner submitted a statement regarding the accuracy of the English translation of the Japanese/English language declaration. A review of the application file reveals that as required by 35 U.S.C. 371(c)(4), a declaration, in compliance with 37 CFR 1.497(a) and (b) was submitted on 13 January 2010. The date of completion of all 35 U.S.C. 371 requirements includes fulfillment of subsection (b), which states that the national stage shall commence with the expiration of the time limit under PCT Article 22(a) or 39(1)(a) of the PCT Treaty. Here, the date of completion of all requirements of 35 U.S.C. 371 is 19 January 2010. Contrary to the decision mailed on 26 April 2011, the Notification of Acceptance (Form PCT/DO/EO/903) issued on 22 April 2010 which indicated this date as 19 January 2010 is correct; the date applicant fulfilled all the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 13 January 2010. Thus, the Notification of Acceptance mailed on 22 April 2010 remains in effect.

The application will be forwarded to Art Unit 1787 and examined in due course.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

02 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of
FERRER, et al.
Application No.: 12/668,937
PCT No.: PCT/IB2008/002804
Int. Filing Date: 15 July 2008
Priority Date: 16 July 2007
Attorney Docket No.: 033339/383847
For: METHOD AND GRIPPING DEVICE FOR AUTOMATICALLY TRANSFERRING A SAMPLE CONTAINER FROM A STORING LOCATION TO AN ANALYSIS LOCATION, AND USE O SAID DEVICE

DECISION ON PAPERS

UNDER 37 CFR 1.42

This decision is in response to applicant's declaration filed 16 August 2010. The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 15 July 2008, applicant filed international application PCT/IB2008/002804, which claimed priority to an earlier application filed 16 July 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 January 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 January 2010.

On 13 January 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a preliminary amendment.

On 16 April 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 16 August 2010, applicant filed the executed combined declaration and power of attorney discussed herein, along payment of the appropriate surcharge for providing an executed

declaration or oath of the inventor later than thirty months from the earliest claimed priority date and a petition for a two-month extension of time. With payment of the two-month extension of time fee the response is considered timely filed.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 04 February 2009 is executed by Catherine Izier own her behalf as heir and on behalf of the remaining minor heirs to the estate of deceased inventor, Lilian Yves Jacquamet. The declaration provides the citizenship, residence and mailing address for the heirs and the citizenship of the deceased inventor per 37 CFR 1.497(a)(3). In addition, applicant has provided documentation detailing that the individuals listed on the declaration represent all of the heirs to the deceased's estate. As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 16 July 2007 and will be given a date of **16 August 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/668,944	Filing date:	August 19, 2010
First Named Inventor:	David K. Gifford		
Title of the Invention:	Ruler Arrays		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/008743

The international filing date of the corresponding PCT application(s) is/are: July 16, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/668,944
First Named Inventor:	David K. Gifford

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)

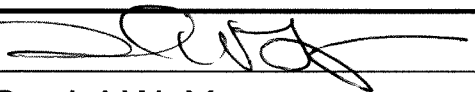
☒ Are attached.

☐ 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
1-3	1-3	Claims are identical
4	4	Claim in US application has been amended to eliminate multiple dependency. Otherwise the claims are identical.
5-8	5-8	Claims are identical
10-11	10-11	Claims are identical
12	12	Claim in US application has been amended to eliminate multiple dependency. Otherwise the claims are identical.
15-23	15-23	Claims are identical
26-27	26-27	Claims are identical
28	28	Claim in US application has been amended to eliminate multiple dependency. Otherwise the claims are identical.
29	29	Claims are identical
30-31	30-31	Claims in US application have been amended to eliminate multiple dependencies. Otherwise the claims are identical.
32-34	32-34	Claims are identical
35	35	Claim in US application has been amended to eliminate multiple dependency. Otherwise the claims are identical.
36-38	36-38	Claims are identical
39	39	Claim in US application has been amended to eliminate multiple dependency. Otherwise the claims are identical.
40-43	40-43	Claims are identical
44	44	Claim in US application has been amended to eliminate multiple dependency. Otherwise the claims are identical.
45	45	Claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date January 28, 2011
Name (Print/Typed) Daniel W. Young	Registration Number 62,868

Docket No.: M0656.70142US02
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David K. Gifford et al.
Serial No.:	12/668,944
Confirmation No.:	1017
Filed:	August 19, 2010
For:	RULER ARRAYS
Examiner:	F. W. Lu
Art Unit:	1634

Certificate of Electronic Filing Under 37 CFR 1.8
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 28, 2010 Signature: Sharon R. Lloyd (Sharon R. Lloyd)

REMARKS REGARDING OBSERVATIONS UNDER BOX NO. VIII

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is being filed pursuant to Applicant's Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway Pilot (PCT-PPH) Pilot Program Between the European Patent Office (EPO) and the USPTO. Applicant provides remarks below regarding the observations described in Box No. VIII of the Written Opinion of the International Searching Authority for International Application No. PCT/US2008/008743. This Written Opinion issued as the International Preliminary Report on Patentability Chapter I on January 19, 2010.

According to the observations described in Box No. VIII of the above-identified Written Opinion, independent claim 1 lacks clarity because a "comparison to a reference sequence" is not present in the claim. Applicant disagrees with this observation because a "comparison to reference sequence" is not an essential technical feature of the invention.

Claim 1 recites a method for measuring the distance between locations in a nucleic acid. The method involves a technical feature of determining the frequency of occurrence of particular test regions in a preparation of nucleic acid fragments. According to the method, the frequency of occurrence of a particular test region in the nucleic acid fragments is inversely proportional to the distance between two locations in the nucleic acid from which the fragments were prepared. Thus, according to the method, the frequency of occurrence provides a basis for measuring distance between locations in the nucleic acid.

The claims of the above-identified U.S. Non-Provisional Application include claim 1 as originally presented and examined in the above-identified International Application. However, because a "comparison to a reference sequence" is not an essential technical feature of the invention, the Observations Described in Box No. VIII do not apply.

Dated: January 28, 2011

Respectfully submitted,

By _____

Daniel W. Young, Ph.D.
Registration No.: 62,868
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
617.646.8000

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2008/008743	16.07.2008	16.07.2007

International Patent Classification (IPC) or both national classification and IPC
INV. C12Q1/68

Applicant
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	see form PCT/ISA/210	Gabriels, Jan Telephone No. +31 70 340-4282

Form PCT/ISA/237 (Cover Sheet) (April 2005)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/008743

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

      ☒ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material:

      ☒ on paper

      ☒ in electronic form

   c. time of filing/furnishing:

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in electronic form.

      ☒ furnished subsequently to this Authority for the purposes of search.

4. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/008743

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☐ not paid additional fees

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☒ all parts.

   ☐ the parts relating to claims Nos.

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-45
	No:	Claims	46,47
Inventive step (IS)	Yes:	Claims	1-45
	No:	Claims	46,47
Industrial applicability (IA)	Yes:	Claims	1-47
	No:	Claims	

2. Citations and explanations

see separate sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/008743

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

I. Basis (Continuation)

3.1 The Sequence listing pages 1-6 filed with the letter of 26.11.2008 do not form part of the application (Rule 13ter.1(f) PCT).

IV. Lack of unity (Continuation)

3.1 This Authority considers that there are 2 inventions covered by the claims of the present application. The inventive concept of the present application is the observation that the frequency of occurrence of a particular test region is inversely related to the distance between the test location and a predefined location in the nucleic acid. Claims 46 and 47 however concern methods of labelling fragments and do not share this common concept. Indeed, the subject-matter of claims 46 and 47 addresses a different problem and is therefore a priori a different invention. However, since all the claims could be searched without any undue effort, no additional search fees were requested.

V. Reasoned statement (Continuation)

2.1 **CITATIONS**

Reference is made to the following documents:

D1: MARTIN C L ET AL: ""Molecular rulers" for calibrating phenotypic effects of telomere imbalance." JOURNAL OF MEDICAL GENETICS OCT 2002, vol. 39, no. 10, October 2002 (2002-10), pages 734-740, XP002511228 ISSN: 1468-6244

D2: WO 03/074723 A (DHALLAN RAVINDER [US]) 12 September 2003 (2003-09-12)

D3: WO 95/10034 A (UNIV NEW YORK [US]) 13 April 1995 (1995-04-13)
D4: WO 01/57269 A (ILLUMINA INC [US]) 9 August 2001 (2001-08-09)

2.2 NOVELTY (Art. 33(2) PCT)

2.2.1 D4 discloses methods for labelling using labelled nucleotides which are incorporated during amplification with a primer. In view of D4 claims 46 and 47 are not novel.

2.2.2 The present application does not satisfy the criterion set forth in Article 33(2) PCT because the subject-matter of claims 46 and 47 is not new in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

2.3 INVENTIVE STEP (Art. 33(3) PCT)

2.3.1 Document D2 is considered to represent the most relevant state of the art and discloses a method useful for detection of genetic disorders. The method comprises determining the sequence of alleles of a locus of interest, and quantitating a ratio for the alleles at the locus of interest, wherein the ratio indicates the presence or absence of a chromosomal abnormality (cf claim 1). The subject-matter of claim 1 differs in that fragments of a test sample are prepared which contain a test region and a predefined region and the observation that the frequency of occurrence of a particular test region is inversely related to the distance between the test location and a predefined location in the nucleic acid is used for measuring the distance between locations and for detecting aberrations in the test nucleic acid.

2.3.2 The problem to be solved by the subject matter of claim 1 may therefore be regarded as providing an alternative method for detecting aberrations in a test nucleic acid. The solution would be the use of the observation that the frequency of occurrence of a particular test region is inversely related to the distance between the test location and a predefined location in the nucleic acid.

2.3.3 This solution involves an inventive step (Article 33(3) PCT) for the following reasons:

2.3.3.1 The available prior art does not recognise the utility of the observation that the frequency of occurrence of a particular test region is inversely related to the distance between the test location and a predefined location in the nucleic acid for detecting aberrations in a test nucleic acid.

2.3.3.2 The same applies mutatis mutandis for independent claims 4, 26, and 27.

VIII. Certain Observations (Continuation)

1 It appears from the description as a whole, that comparison to a reference sequence is an essential technical feature of the present invention. This essential technical feature is however not present in independent claim 1. For this reason claim 1 lacks clarity according to Art. 6 PCT taken in combination with Rule 6.3 (b) PCT (see also PCT Preliminary Examination Guidelines III.4.3).

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.
12/668,944	08/19/2010	David K. Gifford	M0656.70142US02	1017

23628 7590 07/27/2011

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER	
LU, FRANK WEI MIN	

ART UNIT	PAPER NUMBER
1634	

MAIL DATE	DELIVERY MODE
07/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 2 7 2011

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

In re Application of	:	DECISION ON REQUEST TO
GIFFORD ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/668,944	:	PROSECUTION HIGHWAY
Filed: August 19, 2010	:	PROGRAM AND PETITION
Attorney Docket No. M0656.70142US02	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH program and petition to make special require:

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JUL 01 2011

OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

Applicant: Dieter Prölss, et al.
Appl. No.: 12/668,954
International Filing Date: July 17, 2008
Title: INK JET PRINTING CONTAINING THIN ALUMINUM EFFECT PIGMENTS AND METHOD
Attorney Docket No.: P/46-56
Pub. No.: US 2010/0194836 A1
Pub. Date: August 5, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on September 30, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the country for the Foreign Application Priority data is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor in Foreign Priority Application No. 07013985.2 wherein the country was printed as "Germany (DE)" instead of "Europe (EP)" is not an Office error. The country on the front page of the publication is printed as it appears in the ADS filed with the application on January 13, 2010. Furthermore, a misprint in foreign application data is not a material mistake as required by 37 CFR 1.221(b). The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No. 12/668,954

A Filing receipt was mailed on April 27, 2010, which listed the foreign application country as GERMANY. 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 ADS received on February 16, 2010 does not comply with 37 CFR 1.76(c) for supplemental application data sheets.

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.

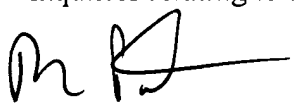
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

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United States Patent and Trademark Office
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SEP 17 2010

OFFICE OF PETITIONS

CASIMIR JONES, S.C.
2275 DEMING WAY
SUITE 310
MIDDLETON, WI 53562

In re Application of :
Heather A. Carlson, et al. :
Application No. 12/668,980 : DECISION ON PETITION
Filed: January 13, 2010 :
Attorney Docket No. UM-3005/US-2/PCT :

This is a decision on the petition filed September 9, 2010 under 37 CFR 1.182 requesting expedited consideration of the petition under 37 CFR 1.182, filed, August 18, 2010, to change the name of inventor "Kelly L. Damm" to "Kelly L. Ganamet" and to correct the spelling and change the name of inventor "Kristen L. Meagher" to "Kristin L. Andrews".

The petition under 37 CFR 1.182 for expedited consideration is **GRANTED**.

The petition under 37 CFR 1.182 requesting to change the name of the inventors is **DISMISSED**.

The request cannot be granted because the petitioner has not provided a copy of the procedure whereby the change of name was effected nor has he provided proof of his actual given name.

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4100.

/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

CASIMIR JONES, SC
2275 DEMING WAY
SUITE 310
MIDDLETON, WI 53562

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of :
Heather A. Carlson :
Application No. 12/668,980 : DECISION ON PETITION
Filed: 00/000,000 :
Attorney Docket No. UM-30075/US-2/PCT :

This is a decision on the renewed petition filed September 28, 2010 under 37 CFR 1.182 requesting expedited consideration of the petition under 37 CFR 1.182, filed, August 18, 2010, to change the name of inventor "Kelly L. Damm" to "Kelly L. Ganamet" and to correct the spelling and change the name of inventor "Kristen L. Meagher" to "Kristin L. Andrews" --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. Any questions concerning the examination procedures or status of the application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply received May 14, 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
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CASIMIR JONES, S.C.
2275 DEMING WAY
SUITE 310
MIDDLETON, WI 53562

MAILED

NOV 10 2010

OFFICE OF PETITIONS

In re Application of
Heather A. Carlson, et al.
Application No. 12/668,980
Filed: January 13, 2010
Attorney Docket No. UM-3005/US-2/PCT

CORRECTED
DECISION ON PETITION

CORRECTED DECISION

This is a corrected communication related to the renewed petition filed October 18, 2010, to change the name of inventor "Kelly L. Damm" to "Kelly L. Ganamet" and to correct the spelling and change the name of inventor –"Kristen L. Meagher" to "Kristin L. Andrews" --.

A review of this application shows that the decision should not have been handled in the Office of Petitions but should have been forwarded to the Office of PCT Legal Administration.

In view of the above, the renewed petition decision mailed on October 18, 2010 was granted in error and the decision is hereby **VACATED**. Telephone inquires 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 PCT Legal Administration at their hotline at 571-272-4300.

This application is forwarded to the Office of PCT Legal Administration for consideration of the petition filed October 18, 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
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Alexandria, VA 22313-1450
www.uspto.gov

Casimir Jones, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CARLSON, Heather A., et al. :
Application No.: 12/668,980 :
PCT No.: PCT/US2008/076258 :
Int. Filing Date: 12 September 2008 : DECISION
Priority Date: 14 September 2007 :
Attorney Docket No.: UM-30075/US-2/PCT :
For: COMPOSITIONS AND METHODS :
RELATING TO HIV PROTEASE :
INHIBITION :

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 18 August 2010 and 28 September 2010 and the Response to Notification of Defective Response, filed 15 November 2010.

BACKGROUND

On 10 May 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 14 May 2010, applicants submitted a declaration of the inventors.

On 07 July 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration was still required and that the name of the second inventor did not match that on the international application.

On 18 August 2010, applicants submitted a petition under 37 CFR 1.182 to change the name of two inventors.

On 17 September 2010, the Office of Petitions dismissed the petition without prejudice.

On 28 September 2010, applicants submitted a renewed petition under 37 CFR 1.182.

On 18 October 2010, Office of Petitions granted applicants' petition under 37 CFR 1.182.

On 21 October 2010, applicants filed Response to Notification of Defective Response asking that the previously filed declaration of the inventors be accepted.

On 08 November 2010, PCT Legal Administration issued Notification of Defective Response, and dismissed without prejudice applicants' request to accept the 14 May 2010 declaration.

On 10 November 2010, Office of Petitions mailed Corrected Decision vacating the 18 October 2010 petition decision granting applicants' petition under 37 CFR 1.182.

On 15 November 2010, applicants filed a Response to the Notification of Defective Response and three copies of the declaration.

DISCUSSION

The fee for a petition under 37 CFR 1.182 has been paid. Applicant has supplied statements signed by Kelly L. Ganamet and Kristin L. Andrews, each stating that their names had changed subsequent to their respective marriages and were formerly known as Kelly L. Damm and Kristin L. Meagher.

The declarations submitted on 15 November 2010 comply with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicants' names is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 14, 2012

In re Application of :

Claude Harout

Application No : 12668994

Filed : 03-May-2010

Attorney Docket No : 238.002

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 14, 2012

The request is **APPROVED.**

The request was signed by Jerome D. Jackson (registration no. 33186) on behalf of all attorneys/agents associated with Customer Number 38245 . All attorneys/agents associated with Cusotmer Number 38245 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 Claude HAROUT

Name2

Address 1 17, chemin de la Boissière

Address 2

City F-37270 Athèe sur Cher

State

Postal Code

Country FR

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	12668994
Filing Date	03-May-2010
First Named Inventor	Claude Harout
Art Unit	3765
Examiner Name	ALISSA TOMPKINS
Attorney Docket Number	238.002
Title	MALE UNDERWEAR OPENABLE BY MEANS OF A GRIP TAB (DEVICE)

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 38245

The reason(s) for this request are those described in 37 CFR:

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Claude HAROUT
Address	17, chemin de la Boissière
City	F-37270 Athèe sur Cher
State	
Postal Code	
Country	FR

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jerome D. Jackson/
Name	Jerome D. Jackson
Registration Number	33186

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:	12/669,031	Filing date:	November 30, 2009
First Named Inventor:	Mark Zdeblick		
Title of the Invention:	Analyzer Compatible Communication Protocol		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/66130

The international date of the corresponding PCT application(s) is/are: November 30, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-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.:	12/669,031
First Named Inventor:	Mark Zdeblick

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached

☒ Has already been filed in the above-identified U.S. application on May 10, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
4	4	Claim 4 has been amended into independent form and includes all elements of claim 1 from which it originally depended.
17	17	Claim 17 has been amended into independent form and includes all elements of claims 1 and 16 from which it originally depended.
18	18	Claim 18 has been amended into independent form and includes all elements of claims 1 and 16 from which it originally depended.
19	19	Claim 19 has been amended into independent form and includes all elements of claims 1 and 16from which it originally depended.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Bret E. Field, Reg. No. 37,620/	Date August 11, 2010
Name (Print/Typed) Bret E. Field	Registration Number 37,620

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.
12/669,031	01/13/2010	Mark Zdeblick	PRTS-130 (PRO-113)	1730

61487 7590 12/14/2010

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
12/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:
ZDEBLICK, MARK et al	: DECISION ON REQUEST TO
Application No. 12/669,031	: PARTICIPATE IN PATENT
Filed: Jan. 13, 2010	: PROSECUTION HIGHWAY
Attorney Docket No PRTS-130 (PRO-113)	: PILOT PROGRAM AND PETITION
For: ANALYZER COMPATIBLE	: TO MAKE SPECIAL UNDER
COMMUNICATION PROTOCOL	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 11, 2010 to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Carl Layno, the SPE of Art Unit 3766 and (571)272-4949 for Class 607/30 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Gera Neufeld :
Application No. 12/669,035 : DECISION ON PETITION
Filed: June 25, 2010 : TO WITHDRAW
Attorney Docket No. ARBS-00T2 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed September 13, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Carol L. Francis 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.

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

In view of the above, the request to change the correspondence address filed September 9, 2011 is hereby vacated. Since a proper power of attorney was never filed in the above identified application and petitioner has been acting in a representative capacity, the request is considered improper. Until a proper power of attorney is filed, the correspondence address will remain with Bozicevic, Field & Francis, LLP at 1900 University Avenue, Suite 200, East Palo Alto, CA 94303.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

There is an outstanding Office action mailed June 24, 2011 that requires a reply from applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GILEAD SCIENCES C/O
MORRISON & FOERSTER, LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

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.
12/669,094	01/14/2010	Shuhei Nakatani	P37851	1404

52123 7590 08/12/2010

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
08/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
NAKATANI et al.
Application No.: 12/669,094
Filed: 14 January 2010
Attorney Docket No.: P37851
For: ORGANIC EL DISPLAY PANEL AND MANUFACTURING METHOD THEREOF

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 03 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800

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.
12/669,126	01/14/2010	Shinya Kuwabara	352431US26PCT	1642

22850 7590 02/24/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
3746	

NOTIFICATION DATE	DELIVERY MODE
02/24/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of: KUWABARA, SHINYA et al Serial No.: 12/669,126 Filed: Jan. 14, 2010 Docket: 352431US26PCT Title: HYDRAULIC APPARATUS	::	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 22, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Devon Kramer, SPE of Art Unit 3746, and 571-272-7118 for Class 417/273 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

28 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of:
NOBUKIYO, Takahiro, et al.
U.S. Application No.: 12/669,171
PCT No.: PCT/JP2008/062789
International Filing Date: 16 July 2008
Priority Date: 18 July 2007
Attorney's Docket No.: 218.002
For: TRANSMISSION CONTROL METHOD AND TRANSMISSION CONTROL DEVICE

DECISION ON PETITION
(37 CFR 1.181)

This decision is issued in response to applicants' "Response To Notification Of Insufficient Fees" filed 04 May 2010, treated herein as a petition under 37 CFR 1.181 to vacate the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 20 April 2010. No petition fee is required.

BACKGROUND

On 16 July 2008, applicants filed international application PCT/JP2008/062789. The application claimed a priority date of 18 July 2007, and it designated the United States. On 22 January 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 January 2010.

On 14 January 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, an executed declaration, and a preliminary amendment.

On 20 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) indicating that applicants were required to submit an additional $442 in claims fees, specifically, $52 for inclusion of 1 total claim over 20, and $390 for inclusion of a multiple dependent claim.

On 04 May 2010, applicants filed the "Response To Notification Of Insufficient Fees" considered as a petition herein. The petition asserts that the application, as amended, includes a total of 15 claims, none of which are multiple dependent claims. Applicants therefore assert that

the additional claims fees required by the Notification Of Insufficient Fees are not properly required and that such Notification should be withdrawn.

DISCUSSION

The Notification Of Insufficient Fees appears to have been issued because the amendment removing the multiple dependency from claim number 5 is not visually clear (specifically, the hash-mark through the number "4" on the second line of claim number 5 is difficult to discern). Upon further review, the first two lines of amended claim number 5 are interpreted as reading as follows: "The transmission control device as defined by claim 1, further comprising:." Based on this interpretation of amended claim number 5, it is confirmed that applicants' preliminary amendment reduced the total number of claims to 15 and removed all multiple dependent claims, as asserted by applicants in the present petition. [1]

In view of the above, the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) issued 20 April 2010, based as it was on applicants' purported inclusion herein of 21 total claims and at least one multiple dependent claim, is appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) issued 20 April 2010 is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] Applicants must inform this Office immediately if the above is not a correct interpretation of the preliminary amendment with respect to claim number 5.

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JUN 29 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PCT LEGAL ADMINISTRATION

PAMELA A. KACHUR
577 W Santee Drive
Greensburg IN 47240

In re Application of
HAHNL et al.
App. No.: 12/669,193
PCT No.: PCT/EP08/05634
Int. Filing Date: 10 July 2008
Priority Date: 16 July 2007
Attorney's Docket No.: 67341-2913
For: EXHAUST GAS TREATMENT DEVICE FOR AN EXHAUST GAS SYSTEM ....

DECISION ON

PETITION TO WITHDRAW THE

HOLDING OF ABANDONMENT

This is a decision on applicants' "Petition to Withdraw Holding of Abandonment and in the alternative, Petition to Revive for Unintentional Abandonment", filed on 25 April 2011 in the United States Patent and Trademark Office (USPTO).

On 19 April 2010, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 12 May 2010, applicant filed a response including a declaration executed by the inventors. The declaration contained a duplicate of page 3. The surcharge for filing the declaration after the thirty month period was also paid.

On 21 January 2011, a Notification of Defective Response was mailed indicating that the declaration was unacceptable as it contained duplicate page 3. On 10 March 2011, a Notification of Abandonment was mailed to applicant indicating that the applicant had failed to respond to the notification of Missing Requirements.

A review of the declaration submitted on 12 May 2010 reveals that it meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable. Therefore, the Notification of Defective Response mailed on 21 January 2011 and the 10 March 2011 Notification of Abandonment are hereby **VACATED.**

Applicants' "Petition to Withdraw Holding of Abandonment and in the alternative, Petition to Revive for Unintentional Abandonment" is **GRANTED**. The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 12 May 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

18 AUG 2010

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 1340
MORRISVILLE, NC 27560

In re Application of BERGHAUS et al :
U.S. Application No.: 12/669,198 :
PCT Application No.: PCT/EP2008/058801 :
Int. Filing Date: 07 July 2008 : DECISION
Priority Date Claimed: 23 July 2007 :
Attorney Docket No.: 13779-545 :
For: SOLUBLE LIQUID FORMULATIONS OF :
QUINCLORAC AMMONIUM SALTS :

This is in response to applicant's petition under 37 CFR 1.181 filed 14 July 2010.

BACKGROUND

On 07 July 2008, applicant filed international application PCT/EP2008/058801, which claimed priority of an earlier United States application filed 23 July 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 29 January 2009. The thirty-month period for paying the basic national fee in the United States expired on 25 January 2010.

On 15 January 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 April 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 03 May 2010, applicant filed executed declarations.

On 20 May 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the name of the second inventor.

On 07 June 2010, applicant filed correspondence clarifying the name of the second inventor.

On 25 June 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 07 June 2010 as the date of completion of 35 U.S.C. 371 requirements.

On 14 July 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The name of the second inventor is listed on the declaration as "Terrance Cannan" but is listed in the published international application as "Cannan Terry".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the second inventor's name was the result of a typographical error in the international application. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 25 June 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 May 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and

mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a corrected filing receipt.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAR 27 2012

OFFICE OF PETITIONS

In re Application of
KOBAYASHI
Application No.: 12/669,202
Filed: January 15, 2010
Attorney Docket No.: 11139.0002
For: BATTERY ASSEMBLY

: 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 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 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.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Andrea Smith
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
RUSSELL, et al. :
Application No.: 12/669,347 : DECISION ON PETITION
PCT No.: PCT/US2008/070317 :
Int. Filing Date: 17 July 2008 : UNDER 37 CFR 1.181
Priority Date: 17 July 2007 :
Atty Docket No.: 3156.115WOUS :
For: MOUNT AND ELECTRONIC DISPLAY :
SYSTEM :

This is a decision on applicant's "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION" filed 23 June 2010 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 15 January 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 26 April 2010, applicant filed an executed combined declaration and power of attorney.

On 07 May 2010, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 15 January 2010. The mailed Official Filing Receipt showed the same date as the "FILING or 371 (c) DATE."

On 23 June 2010, applicant filed the present petition claiming that the last of the 371 requirements was satisfied on 26 April 2010.

In addition to the evidence presently provided by applicant; a review of the application file finds the combined declaration and power of attorney contained therein with a filing date of 26 April 2010.

For the reasons above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 17 July 2008 under 35 U.S.C. 363 and will be given a date of **26 April 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 07 May 2010 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a Form PCT/DO/EO/903 and a corrected filing receipt indicating the 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Olson et al. : DECISION REFUSING STATUS
Application No. 12/669,404 : UNDER 37 CFR 1.47(a)
Deposited: January 15, 2010 :
Attorney Docket No. 37827/5:2 :

This is in response to the petition under 37 CFR 1.47(a), filed March 4, 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 items (2) set forth above.

As to item (2), while each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages).

Petitioner is also reminded that any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a).

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
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STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
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PORTLAND OR 97204-1268

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of
Erlend Olson, John Hampshire II and
Raymond Rigaud
Application No. 12/669,404
Deposited: January 15, 2010
For: INSERTING AND EXTRACING
UNDERGROUND SENSORS

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 24, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Olson cannot be located 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 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) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Erlend Olson
P.O. Box 10939
Newport Beach, CA 92658

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of
Erlend Olson, John Hampshire II and Raymond Rigaud
Application No. 12/669,404
Deposited: January 15, 2010
For: INSERTING AND EXTRACING UNDERGROUND SENSORS

Dear Sir:

You are named as a co-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, co-inventor (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. 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).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND OR 97204-1268

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:	12/669,454	Filing date:	January 15, 2010
First Named Inventor:	John G. Gorman		
Title of the Invention:	SYSTEMS AND METHODS FOR NATURAL LANGUAGE COMMUNICATION WITH A COMPUTER		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are:
PCT/US2009/042388

The international date of the corresponding PCT application(s) is/are: April 30, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-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.:	
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on July 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 July 20, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-24	1-24	Same Claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Adele C. Noon/	Date October 14, 2010
Name (Print/Typed) Adele C. Noon	Registration Number 52,077

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAIL

NOV 17 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
GORMAN, JOHN G.	:	DECISION ON REQUEST TO
Application No. 12/669,454	:	PARTICIPATE IN PATENT
Filed: January 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 116552-001USA	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 14, 2010 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 7 above.

Regarding item 7, while applicants have submitted an IDS listing documents cited in an ISR, not all documents have been listed. The submitted IDS failed to include the document, US2004/0181390, which was also cited in the ISR. An IDS listing the document, US2004/0181390, is required.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	John G. Gorman, et al.)	**Group Art No.:**	2626
Serial No.:	12/669,454)	**Examiner:**	Not Yet Assigned
Filed:	January 15, 2010)		
Atty. Dkt. No.:	116552-001USA)		

For: SYSTEMS AND METHODS FOR NATURAL LANGUAGE COMMUNICATION WITH A COMPUTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request For Reconsideration of Petition Under 37 C.F.R. 1.102(d)

On October 14, 2010, Applicants filed a Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(d).

On November 17, 2010, a Decision Dismissing the Request was mailed to Applicants indicating that the request is deficient due to failure to include a document in the Information Disclosure Statement.

In response to the Decision, Applicants respectfully submit a Supplemental Information Disclosure Statement citing the missing reference.

Applicants believe that the Response is timely filed within 1 month of the mailing of the Decision. Applicants believe there are no fees due in connection with this communication;

however, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Procopio's Deposit Account No. **502075**.

Respectfully submitted,

Dated: December 16, 2010

By:/Adele C. Noon/
Adele C. Noon, Reg. No. 52,077
Attorney for Applicants

Procopio Cory Hargreaves & Savitch LLP
525 B Street, Suite 2200
San Diego, CA 92101
Telephone: 619-238-1900
Facsimile: 619-235-0398
Email: docketing@procopio.com
Docket No.: 116552-001USA

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.
12/669,454	01/15/2010	John G. Gorman	116552-001USA	4276

27189 7590 01/14/2011

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER	
ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
01/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@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
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of	:	
GORMAN, JOHN G. et al	:	DECISION ON REQUEST TO
Application No. 12/669,454	:	PARTICIPATE IN PATENT
Filed: January 15, 2010	:	PROSECUTION HIGHWAY
Att. Docket No. 116552-001USA	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 16, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless

copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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GENOMICS INSTITUTE OF THE
NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE, SUITE E225
SAN DIEGO CA 92121-1127

MAILED

APR 01 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LUEHRSEN :
Application No.: 12/669,467 : DECISION ON PETITION
PCT No.: PCT/US2008/070357 :
Int. Filing Date: 17 July 2008 : UNDER 37 CFR 1.181
Priority Date: 17 July 2007 :
Attorney Docket No.: PAT052919-US-PCT :
For: ANTAGONIST ANTIBODIES OF PROTEASE :
ACTIVATED RECEPTOR-1 (PAR1) :

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 08 March 2011 in the United States Patent and Trademark Office (USPTO). For the reasons discussed below the petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required and the $1620.00 petition fee paid on 08 March 2011 will be refunded to deposit account number 50-1885.

BACKGROUND

On 17 July 2007, applicant filed international application PCT/US2008/070357 which claimed priority to a previous application filed 17 July 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 17 January 2010.

On 17 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an Application Data Sheet. The transmittal letter authorized the USPTO to charge any additional fees which may be required to Deposit Account number 50-1885.

On 27 May 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was also notified of the need to provide additional fees in the amount of $8216. Applicant was given two months to respond.

On 31 August 2010, applicant filed an executed declaration of the inventors accompanied

by a petition for a two-month extension of time.

On 23 September 2010, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) instructing applicant that additional fees in the amount of $8216 was required. Applicant was afforded one month or the extendable time provide in the Form PCT/DO/EO/905 to provide a proper response to the notification.

On 08 March 2011, applicant filed the papers discussed herein.

DISCUSSION

Applicant notes in the filed response that the Form PTO-1390 authorized the USPTO to charge any additional fees which may be required to Deposit Account number 50-1885. Further, a review of the deposit account history shows that the account contained sufficient funds on 23 September 2010 to withdraw the $8216 in fees. As such, the Form PCT/DO/EO/916 should not have been mailed and applicant's petition to revive is dismissed as moot.

As the necessary funds were available and applicant has currently provide payment of the outstanding fees it is proper to grant applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment at this time.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/916 mailed 23 September 2010 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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:	12/669,528	Filing date:	January 18, 2010
First Named Inventor:	Steve Foldesi Jr.		
Title of the Invention:	Method to Improve Adhesion of a Formed Gasket to Plastic Closures		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/071369

The international date of the corresponding PCT application(s) is/are: 07/28/2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/669,528
First Named Inventor:	Steve Foldesi Jr.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 18, 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 January 18, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1, 3-4, 6-17	1, 3-4, 6-17	claims are identical
18-32	18-32	canceled in US application
33	1+9+10+7	claim sufficiently corresponds
34	9	claim sufficiently corresponds
35	1+11+12	claim sufficiently corresponds
36-41	4, 7, 9+10, 9, 16,17	claim sufficiently corresponds

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /James Marc Leas/	Date September 16, 2010
Name (Print/Typed) James Marc Leas	Registration Number 34372

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/669,528	01/18/2010	Steve Foldesi JR.	184-003-US	4928

26542 7590 11/16/2010

JAMES MARC LEAS
Law Office Of James Marc Leas
37 BUTLER DRIVE
S. BURLINGTON, VT 05403

EXAMINER	
ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
11/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CT

November 15, 2010

In re application of Steve Foldesi, Jr. Serial No. 12/669,528 Filed: January 18, 2010 For: METHOD TO IMPROVE ADHESION OF A FORMED GASKET TO PLASTIC CLOSURES	:	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 September 16, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fail because:

4) All of the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s).

Claims 33 – 41, including independent claims 33 and 35, have been added to the present application and are not present in the corresponding PCT.

The OG Notice of January 28, 2010, clarifies the term "claim correspondence". Specifically, item (3)(b) sets forth that claims are considered to "sufficiently correspond" where "the claims in the US application are of the same or similar scope of the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application". Item (3)(c) further defines "narrower in scope", and specifically states that the claim(s) with narrower scope must be written in dependent form in the US application.

Here, as the newly added in the present application are independent claims (claims 33 and 35) or dependent claims dependent on the newly added independent claims, newly added claims 33 - 41 do not appear to sufficiently correspond to the claims of the PCT application.

Furthermore, applicant indicated that a copy of all of the claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT is not attached because the document is already in the US application. It is noted that while a copy of the published claims from the PCT is in the present application, these published claims are not those claims indicated as having novelty, inventive step and industrial applicability in the PCT. While it was possible to obtain a copy of those claims from the file of the PCT, applicant is encouraged to provide a copy of the claims having novelty, inventive step and industrial applicability from the PCT in any future requests for participation in the Patent Prosecution Highway.

It is further noted that the coversheet for the PPH request requests participation in the PCT – PPH Pilot program between the KIPO and the USPTO, however the prior office action submitted was the international work product by the USPTO as the IPEA. Accordingly, this request has been treated as a request for participation in the PPH program where the USPTO was the IPEA.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

Official Communication
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Foldesi
Serial No.: 12/669,528
Filing Date: January 18, 2010
Title: Method to improve adhesion of a formed gasket to plastic closures

Docket 184-003-US
Date: November 30, 2010
Group Art Unit:
Examiner:

Request for Reconsideration of the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a) Preliminary Amendment Under 37 CFR 1.111

Amendment B

Commissioner for Patents
PO Box 1450
Alexandria, VA, 22313-1450

Sir:

This is a request for reconsideration in response to the Decision on Request to Participate in Patent Prosecution Highway Program. This request includes a preliminary amendment in response to the reasons given dismissing the original petition. No fee is due for this request or for this amendment.

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.
12/669,528	01/18/2010	Steve Foldesi JR.	184-003-US	4928

26542 7590 12/30/2010

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EXAMINER	
ART UNIT	PAPER NUMBER
1746	

MAIL DATE	DELIVERY MODE
12/30/2010	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

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DEC 30 2010

CT

In re application of Steve Foldesi, Jr. Serial No. 12/669,528 Filed: January 18, 2010 For: METHOD TO IMPROVE ADHESION OF A FORMED GASKET TO PLASTIC CLOSURES	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JUN 23 2011

PCT LEGAL ADMINISTRATION

In re Application of
GIRARD *et al*
U.S. Application No.: 12/669,555
PCT No.: PCT/EP2008/059314
Int. Filing Date: 16 July 2008
Priority Date: 18 July 2007
Docket No.: W51.12-0048
For: METHOD FOR MANAGING THE EXECUTION OF A SOFTWARE ARCHITECTURE OF A RADIOCOMMUNICATION CIRCUIT WITH CONSTANT PROCESSOR FREQUENCY, CORRESPONDING COMPUTER PROGRAM PRODUCT AND CIRCUIT

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 05 November 2010.

BACKGROUND

On 05 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 05 November 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a surcharge fee; a petition fee; a four-month extension and extension fee; a declaration signed by one of the two named inventors; a statement of facts by Patrick Guene; and copies of documentary evidence in support of the petition (Exhibits 1 - 5).

DISCUSSION

Applicants assert that the failure to respond by joint inventor, Erwin GIRARD, constitutes "either a refusal or unavailability to sign the application papers" and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a)[1] are satisfied in the initial petition.

Concerning item (2) of 37 CFR 1.47(a), applicants provided a statement of facts by Patrick Guene detailing the efforts to obtain a signed declaration by Mr. GIRARD. Applicants included documentary evidence in support of the petition.

A review of the evidence shows that after sending three letters to the last known address of Mr. GIRARD, applicants sent a complete copy of the subject application by registered mail on 18 May 2010. A copy of a cover letter (with an English translation) and postal receipt was provided. Mr. GIRARD failed to respond to any of the letters mailed.

While a refusal to join may be shown by the conduct of the nonsigning inventor, applicants must demonstrate that the nonsigning inventor received a complete copy of the subject application and a declaration (or refused delivery). *See* MPEP § 409.03(d)(II).

Here, applicants provided a copy of a postal receipt (Exh. 4) for the documents mailed 18 May 2010. However, this document is in a foreign language and the copy submitted is partially illegible. As such, there is no way to determine whether Mr. GIRARD received these documents from this evidence. Accordingly, a refusal to join cannot be shown.

Mr. Guene also states that his office tried to locate a telephone number for Mr. GIRARD, but was unsuccessful. A search of the white pages of the city of Igny, France was also performed. A copy of the internet search attempt (Exh. 5) was provided. Applicants did not list any other attempts to locate the nonsigning inventor in the petition.

MPEP § 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in relevant part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .

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[1] The $200.00 petition fee was paid. The last known address of Mr. GIRARD was provided in the petition. The declaration submitted by one of the two inventors on behalf of the nonsigning inventor complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Applicants must provide more details of their search attempts to locate Mr. GIRARD to show that a diligent effort was made. Such information should include details regarding the type of search performed to locate a telephone number for Mr. GIRARD? In addition, applicants should explain why they only attempted to search for an address for Mr. GIRARD in the city of Igny, France. Applicants should also attempt to contact former co-workers or employers to determine if anyone has any further information on how to contact Mr. GIRARD. These efforts are not extraordinary and should be made to show that a "diligent effort" was made. Copies of relevant documentary evidence (with translations, if applicable) should be provided to supplement the statement of facts.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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Minneapolis, MN 55402

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OCT 27 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GIRARD *et al* :
U.S. Application No.: 12/669,555 :
PCT No.: PCT/EP2008/059314 :
Int. Filing Date: 16 July 2008 :
Priority Date: 18 July 2007 :
Docket No.: W51.12-0048 :
For: METHOD FOR MANAGING THE EXECUTION OF A SOFTWARE ARCHITECTURE OF A RADIOCOMMUNICATION CIRCUIT WITH CONSTANT PROCESSOR FREQUENCY, CORRESPONDING COMPUTER PROGRAM PRODUCT AND CIRCUIT :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 07 September 2011.

BACKGROUND

On 23 June 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 07 September 2011, applicants filed the subject response which was accompanied by, *inter alia*, a one-month extension and $65.00 extension fee, a supplemental declaration by Patrick Guene, and supplementary, documentary evidence in support of the petition.

DISCUSSION

Applicants request reconsideration of the prior decision and provided additional evidence in support of their claim that Erwin GIRARD is either refusing to cooperate or unavailable.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition

fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) were satisfied in the initial petition.

Concerning item (2) of 37 CFR 1.47(a), applicants state that their search to locate Mr. GIRARD was successful. Accordingly, this petition will be treated as a refusal to join. A refusal to join may be shown by the conduct of the nonsigning inventor such as not responding to repeated requests to cooperate. To show a refusal, applicants must first demonstrate that the nonsigning inventor received a complete copy of the subject application and a declaration (or refused delivery). *See* MPEP § 409.03(d)(II).

Applicants previously provided evidence showing that a complete copy of the subject application was sent to the last known address of Mr. GIRARD by registered mail on 18 May 2010. However, the postal receipt provided was in a foreign language without an accompanying English translation and the copy submitted was partially illegible. In the renewed response, applicants provided sufficient evidence that Mr. GIRARD received these documents on 29 May 2010. The signature on the postal receipt is acceptable. Applicants state that no response has been received.

The refusal to respond by Mr. GIRARD constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is hereby **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 July 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 05 November 2010.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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Erwan Girard
73 avenue de la République,
91430 IGNY
France

MAILED

OCT 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
GIRARD *et al*
U.S. Application No.: 12/669,555
PCT No.: PCT/EP2008/059314
Int. Filing Date: 16 July 2008
Priority Date: 18 July 2007
Docket No.: W51.12-0048
For: METHOD FOR MANAGING THE EXECUTION OF A SOFTWARE ARCHITECTURE . . .

Dear Mr. Girard:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
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MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Noronha et al. :
Application No. 12/669,569 :
International Filing Date: December 14, 2007 :
Attorney Docket No. BR1001 :

This is a decision on the letter from Darren Gardner, reg. no 54,113, filed January 10, 2012, stating that he is not associated with customer numbers: 69109; 14776; 69373; 72136; 92958 and 14392.

Applicant has specified that the power of attorney should be associated with customer number 72136 and that all correspondence for the above-identified application should be sent to the address associated with customer number 72136, which is ANDERSON TMP, INC, 1903 60 TH PLACE E, SUITE M5103, BRADENTON FL. The USPTO normally mails correspondence directly to the applicants, unless they are represented by an individual registered to practice before the USPTO. In order to practice before the USPTO, an attorney and/or agent must have a valid USPTO registration number as specified in 37 C.F.R. §132; *Manual of Patent Examination Procedure* (MPEP) §402. Mr. Gardner, the registered practitioner associated with the above indicated customer number (72136) has indicated to the Office that he is not associated with the customer number and has not had any involvement with the applications associated with the customer number.

Darren Gardner has been removed from the Customer Number associated with this application. Applicant is reminded that there is no attorney of record at this time.

Therefore, the designation of the customer number, which lists Mr. Gardner as having power of attorney and the correspondence address is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the applicant(s) for patent or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

Since, it appears that applicant is not currently represented by, and if he wishes to obtain the services of, a registered attorney or agent, a listing of registered patent attorneys and agents is available online at https://oedci.uspto.gov/OEDCI/, or by calling the Office of Enrollment and Discipline at (571) 272-4097. Applicant may also obtain a list of registered patent attorneys and agents located in their area by writing to Mail Stop OED, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450. The Office cannot, however, aid in selecting an attorney or agent.

Information concerning the filing and/or prosecution of a patent application in the absence of an attorney or agent, including how to obtain forms, is available online at www.uspto.gov, or at the direct link for the Inventors Assistance Center http://www.uspto.gov/web/offices/pac/dapp/pacmain.html. The Inventors Assistance Center may also be contacted by calling (800) 786-9199, and by asking the operator for the Inventors Assistance Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7709. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Mark Polutta /
Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ANDERSON TMP , INC
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