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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of:
BLEEKER, Petronella, Martina, et al.
Application No.: 12/679,894
PCT No.: PCT/NL2008/050617
International Filing Date: 25 September 2008
Priority Date: 25 September 2007
Attorney's Docket No.: 085342-0243
For: PLANT VOLATILES

DECISION ON PETITIONS
UNDER 37 CFR 1.181 AND
37 CFR 1.137(b)

This decision is issued in response to the "Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action," considered herein under 37 CFR 1.181, and the "Petition For Revival Of Application For Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)," both filed on 01 July 2011.

BACKGROUND

On 25 September 2008, applicants filed international application PCT/NL2008/050617. The international application claimed a priority date of 25 September 2007, and it designated the United States. On 02 April 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., 25 March 2010.

On 24 March 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.

On 10 May 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 08 July 2010, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration.

On 04 August 2010, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 08 July 2010 was not acceptable with respect to co-inventor Robert Cornelis SCHUURINK because it contained alterations with respect to this inventor that had not been initialed and dated.

Applicants did not file a response to the Notification Of Defective Response, nor did applicants file a revised declaration during the extendable response period provided in the Notification Of Missing Requirements.

On 02 May 2011, the DO/EO/US mailed a "Notice 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.

On 01 July 2011, applicants filed the "Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action," and the "Petition For Revival Of Application For Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) considered herein. The petition to withdraw the holding of abandonment, considered under 37 CFR 1.181, asserts that applicants did not receive the Notification Of Defective Response mailed on 04 August 2010. The 01 July 2011 submission included a newly-executed declaration from co-inventor Robert Cornelis SCHUURINK

DISCUSSION

1. Petition To Withdraw Holding Of Abandonment (37 CFR 1.181)

Applicants' petition to withdraw the holding of abandonment asserts that applicants did not receive the Notification Of Defective Response mailed on 04 August 2010. Section 711.03(c)(I)(A) of the MPEP sets forth the requirements for a grantable petition under 37 CFR 1.181 to withdraw a holding of abandonment based on the failure to receive an Office communication, stating as follows (emphasis added):

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, **a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action** must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The present petition includes the required statement from the practitioner regarding the docketing system used at the practitioner's firm. The petition also includes the required statements from the practitioner asserting that the Notification Of Missing Requirements was not received and that a physical examination of practitioner's records, including the application files, indicates that the Notification was not received. However, with respect to the docket records requirement, while applicants have provided a copy of the docket sheet for the present application file and a "master docket" mail log containing a listing of communications received in counsel's office from 04 August 2010 to 03 September 2010, applicants have not provided the required copy of a master docket report showing all replies docketed for the date on which a response to the Notification Of Defective Response was due, that is, 04 September 2010 and/or 07 September 2010,[1] or a statement that no such master docket exists.

In view of the above, petitioner has not satisfied the docket records requirement of a grantable petition under 37 CFR 1.181 to withdraw the holding of abandonment based on the failure to receive the Notification Of Defective Response. Applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment is therefore not grantable on the present record.

It is noted that applicants' petition to withdraw the holding of abandonment includes the request to expunge from the record the copy of counsel's master docket attached as Exhibit F to such petition. However, any petition to expunge materials from the application file must be made consistent with the requirements of 37 CFR 1.59 and must include the petition fee and showing required thereby.

2. Petition For Revival Under 37 CFR 1.137(b)

The alternative petition for revival under 37 CFR 1.137(b) filed by applicants was submitted for consideration only if the office decided not to grant the petition to withdraw the holding of abandonment under 37 CFR 1.181. As noted above, the petition to withdraw the holding of abandonment under 37 CFR 1.181 is not grantable on the present record; however, such petition will be grantable if applicants provide the additional docket records required to complete the requirements of a grantable petition.

Because applicants appear likely to be able to file a grantable renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, applicants' alternative petition for revival of the application under 37 CFR 1.137(b) is held in abeyance pending applicants' response to the present decision.

CONCLUSION

Applicants' "Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action," is **DISMISSED** without prejudice.

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[1] 04 September 2010, the response deadline date, was a Saturday, and Monday, 06 September 2010 was a federal holiday; thus, the due date for a response to the Notification Of Defective Response was 07 September 2010, the first business day the USPTO was open after the expiration of the one-month deadline.

Applicants' alternative "Petition For Revival Of Application For Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" is **HELD IN ABEYANCE**.

If reconsideration on the merits of the petition to withdraw the holding of abandonment 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 be entitled "Renewed Petition Under 37 CFR 1.181" and must include the additional docket records required to complete the requirements of a grantable petition, as discussed above and in the MPEP.

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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DEC 01 2011

PCT LEGAL ADMINISTRATION

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of:	:	
BLEEKER, Petronella, Martina, et al.	:	DECISION ON RENEWED
Application No.: 12/679,894	:	PETITION UNDER
PCT No.: PCT/NL2008/050617	:	37 CFR 1.181
International Filing Date: 25 September 2008	:	
Priority Date: 25 September 2007	:	
Attorney's Docket No.: 085342-0243	:	
For: PLANT VOLATILES	:	

This decision is issued in response to the "Renewed Petition Under 37 C.F.R. § 1.181" filed on 01 November 2011. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 01 September 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment, finding that applicants had not provided all the requirement of a grantable petition to confirm that applicants had not received the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed on 04 August 2010. The decision also held in abeyance applicants' alternative petition for revival under 37 CFR 1.137(b).

On 01 November 2011, applicants filed the renewed petition under 37 CFR 1.181 considered herein.

DISCUSSION

The present renewed petition include a copy of counsel's master docket listing for all responses due in the USPTO from 04 September 2010 to 07 September 2010, the date(s) on which a response to the Notification Of Defective Response was required.[1] The master docket does not indicate that the Notification Of Defective Response mailed herein was received by applicants. These materials, in combination with those previously supplied, satisfy the docket records requirement of a grantable petition.

[1] As noted in the previous decision, the one month response deadline was 04 September 2010, a Saturday, and the next date on which the USPTO was open was 07 September 2010

Applicants have now satisfied the final outstanding requirement of a grantable petition to confirm the failure to receive the Notification Of Defective Response mailed on 04 August 2010. The holding of abandonment herein, based as it was on the failure to respond to the Notification that was not received by applicants, is therefore appropriately withdrawn.[2]

CONCLUSION

Applicants' renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/909) mailed 02 May 2011, based as it was in part on applicants' failure to respond to the Notification Of Defective Response that applicants did not receive, is appropriately **VACATED**.

Applicants' 01 July 2011 submission included a revised declaration executed by Robert Cornelis SCHUURINK responsive to the defect set forth in the Notification Of Defective Response. Accordingly, a new Notification Of Defective Response is not required.

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.

/RichardMRoss/

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

[2] In view of the withdrawal of the holding of abandonment, applicants' alternative petition for revival under 37 CFR 1.137(b) is moot. The petition fee applicable to such petition will be refunded to applicants.

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09 SEP 2010

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NGUYEN VAN CACH
355 DINH CONG STR.
HOANG MAI DISTRICT
HANOI 10000 VN

In re Application of:
NGUYEN, Van Cach
U.S. Application No.: 12/679,906
PCT No.: PCT/VN2008/000003
International Filing Date: 07 October 2008
Priority Date: 18 October 2007
Attorney Docket No.: None
For: FLUIDIZATION AERATION MIXING APPARATUS

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 06 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/VN2008/000003 became abandoned with respect to the United States at midnight on 18 April 2010 based on applicant's failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date. Applicant filed materials to initiate the present national stage application on 25 March 2010; however, as evidenced by the Electronic Acknowledgement Receipt, the 25 March 2010 submission did not include a fee payment. In addition, the application file indicates that applicant's subsequent attempt to pay the basic national fee via credit card was unsuccessful because the credit card transaction was declined.

The abandonment of the present application was confirmed in a "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 29 April 2010.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and a supplemental statement providing additional details regarding the delay, satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

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

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:	12/679,944	Filing date:	March 25, 2010
First Named Inventor:	Grahame Knowles		
Title of the Invention:	AN APPARATUS FOR DAMPING THE TORSIONAL EXCITATION OF A HOLLOW DRIVE SHAFT		

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/EP2008/061588

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

September 03, 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.:	12/679,944
First Named Inventor:	Grahame Knowles

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
12	1	US claim as per Preliminary Amendment filed 03/25/2010
13	2	US claim as per Preliminary Amendment filed 03/25/2010
14	3	US claim as per Preliminary Amendment filed 03/25/2010
15	1, 2, 3, 4	US claim as per Preliminary Amendment filed 03/25/2010
16	5	US claim as per Preliminary Amendment filed 03/25/2010
17	6	US claim as per Preliminary Amendment filed 03/25/2010
18	10	US claim as per Preliminary Amendment filed 03/25/2010
19	11	US claim as per Preliminary Amendment filed 03/25/2010
20	7	US claim as per Preliminary Amendment filed 03/25/2010
21	8	US claim as per Preliminary Amendment filed 03/25/2010
22	9	US claim as per Preliminary Amendment filed 03/25/2010
23	10	US claim as per Preliminary Amendment filed 03/25/2010
24	11	US claim as per Preliminary Amendment filed 03/25/2010
25	10	US claim as per Preliminary Amendment filed 03/25/2010
26	11	US claim as per Preliminary Amendment filed 03/25/2010

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

Signature /Tina Gonka/	Date March 09, 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/679,944	03/25/2010	Grahame Knowles	2006P18157WOUS	1824

22116 7590 04/07/2011

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
SICONOLFI, ROBERT	
ART UNIT	**PAPER NUMBER**
3657	
MAIL DATE	**DELIVERY MODE**
04/07/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 7 2011

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
Grahame Knowles
Application No. 12/679,944
Filed: March 25, 2010
For: APPARATUS FOR DAMPING THE TORSIONAL EXCITATION OF A HOLLOW DRIVE SHAFT

: **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 March 9, 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 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: 04/06/11

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DEC 19 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
Bono :
Application No.: 12/679,976 :
PCT No.: PCT/JP2008/066361 :
Int. Filing Date: 01 September 2008 : DECISION
Priority Date: 28 September 2007 :
Attorney Docket No.: 77792/124 :
For: Fuel Cell System

This is in response to the petition under 37 CFR 1.182 filed on 20 September 2011.

BACKGROUND

International application PCT/JP2008/066361 was filed on 01 September 2008, claimed an earlier priority date of 28 September 2007, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 02 April 2009. The period for payment of the basic national fee in the United States expired as of midnight on 28 March 2010. Applicant filed *inter alia* a basic national fee in 12/679,976 on 25 March 2010.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter, declaration, preliminary amendment, and Application Data Sheet filed on 25 March 2010 referred to PCT/JP2008/066361, whereas the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/JP2008/066316"" was to enter the national stage. Inspection of published international application PCT/JP2008/066361 reveals that its bibliographic data is similar to that indicated for this application in the Transmittal Letter. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

Counsel has filed such a petition, indicating that the "correct PCT Application No. Is PCT/JP2008/066361, not PCT/JP2008/066316, as filed." Petitioner characterizes the discrepancy as arising fromn "typographical error on the part of the e-filer" during the EFS-Web filing process. Based on the totality of the circumstances of record, it would be appropriate to accept petitioner's statements as to the nature and origin of the discrepancy. Accordingly, it would also be appropriate to grant the requested relief.

DECISION

The petition is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing consistent with this decision, including correction of PALM records to show the correct national stage parentage, and re-processing the application as the national stage under 35 U.S.C. 371 of PCT/JP2008/066361.

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

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:	12/679,986	Filing date:	March 25, 2010
First Named Inventor:	Tsuneo SUZUKI		
Title of the Invention:	Device for Detecting Breakage of Open/Close Type Window Glass		

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/JP2008/067484

The international date of the corresponding PCT application(s) is/are: 09/26/2008

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-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.:	12/679,986
First Named Inventor:	Tsuneo SUZUKI

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

☑ Is attached

☑ Has already been filed in the above-identified U.S. application on 06/25/2010

(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 06/25/2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	Claims 1-5 in the U.S. Application are based upon and sufficiently
4	4	correspond to the similarly numbered claims which were indicated
5	5	as having novelty, inventive step and industrial applicability in the
6	4	above-identified corresponding PCT application except for
7	5	changes to eliminate multiple claim dependency, to improve clarity,
8	5	grammar and syntax, as well as to eliminate language informalities.
9	5	Claims 6-10 in the U.S. application correspond to claims 4 and 5
10	5	in the corresponding PCT application and have been added
		in order to compensate for the elimination of multiple claim dependency.

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

Signature		**Steven B. Pollicoff**	Date 12/12/2011
Name (Print/Typed)	Bruce H. Bernstein	**Reg. No. 60,311**	Registration Number 29,027

UNITED STATES 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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MAR 15 2012

OFFICE OF PETITIONS

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
Tsuneo Suzuki
Application No.: 12/679,986
Filed: March 25, 2010
Attorney Docket No.: P38160
For: DEVICE FOR DETECTING BREAKAGE OF OPEN/CLOSE TYPE WINDOW GLASS

: 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 06 September 2011 and renewed on December 16, 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 Terri Johnson at 571-272-2991.

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

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

David Bucci
Petitions Examiner
Office of Petitions

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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OCT 12 2010

OFFICE OF PETITIONS

SPRINKLER IP LAW GROUP/ZIMMER
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

In re Application of
Karl Pierre BELLIARD, et al
Application No. 12/679,996
Filed: March 25, 2010
Attorney Docket No. ZIMM2260-US

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 23, 2010.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above have been performed.

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

Accordingly, since the change of address is not to a law firm with a proper power of attorney, an assignee who has properly been made of record under 37 CFR 3.71 or the first named inventor, the request to withdraw from record cannot be approved.

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

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

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

cc: J. SCOTT WICKHEM
CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVE., SUITE 800

Doc Code: PPH.PCT.852
Document Description: Petition to make special under PCT-Patent Pros Hwy

63553US005

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:	12/680,049	Filing date:	September 26, 2008
First Named Inventor:	Jesse D. Miller		
Title of the Invention:	Dual Oligonucleotide Method of Nucleic Acid Detection		

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/US2008/077831

The international date of the corresponding PCT application(s) is/are: 26 September 2008

I. List of Required Documents:

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

■ Is attached

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

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

■ Is attached.

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

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

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

■ Is attached

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

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

■ Are attached.

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(a). 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.:	12/680,049
First Named Inventor:	Jesse D. Miller

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-10	1-10	Same as filed in PCT
11-14	11-14	Multiple dependencies removed for US filing
15-19	15-19	Same as filed in PCT
20-23	20-23	Multiple dependencies removed for US filing
24-28	24-28	Same as filed in PCT
29-32	29-32	Multiple dependencies removed for US filing
33-39	33-39	Same as filed in PCT

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

Signature /Michael G. Williams/	Date September 12, 2011
Name (Print/Typed) Michael G. Williams	Registration Number 61,990

PATENT COOPERATION TREATY

PCT/US2008/077831

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:

WILLIAMS, Michael, G.
3M Center Office of Intellectual Property Counsel Post Office Box 33427
St. Paul, Minnesota 55133-3427
ETATS-UNIS D'AMERIQUE

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY

APR 2 0 2010

Date of mailing (day/month/year)
08 April 2010 (08.04.2010)

REFERRED TO
IMPORTANT NOTICE

Applicant's or agent's file reference
63553WO003

International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/US2008/077831	26 September 2008 (26.09.2008)	28 September 2007 (28.09.2007)

Applicant
3M INNOVATIVE PROPERTIES COMPANY et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty).

BM

APR 0 3 2010

APR 0 5 2010

APR 2010

The International Bureau of WIPO	Authorized officer
34, chemin des Colombettes 1211 Geneva 20, Switzerland	Yolaine Cussac
Facsimile No. +41 22 338 82 70	e-mail: pt05.pct@wipo.int

Form PCT/IB/326 (January 2004)

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 63553WO003	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2008/077631	International filing date *(day/month/year)* 26 September 2008 (26.09.2008)	Priority date *(day/month/year)* 28 September 2007 (28.09.2007)
International Patent Classification (IPC) (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant 3M INNOVATIVE PROPERTIES COMPANY		

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

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

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

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

☒	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 30 March 2010 (30.03.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yolaine Cussac e-mail: pt05.pct@wipo.int

Form PCT/IB/373 (January 2004)

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/US2008/077831	26.09.2008	28.09.2007

International Patent Classification (IPC) or both national classification and IPC
INV. C12Q1/68

Applicant
3M INNOVATIVE PROPERTIES COMPANY

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 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:	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	Pinta, Violaine Telephone No. +31 70 340-4049

Form PCT/ISA/237 (Cover Sheet) (April 2005)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/077831

Box No. I Basis of the opinion

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

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

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

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

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

   a. type of material:

      ☒ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material:

      ☒ on paper

      ☒ in electronic form

   c. time of filing/furnishing:

      ☒ contained in the international application as filed.

      ☒ filed together with the international application in electronic form.

      ☐ furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-39
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-39
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-39
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

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

1 Reference may be made to the following documents:

D1: EP-A-1 780 291 (INST BIOKHIM I GENETIKI UFIM N [RU]) 2 May 2007 (2007-05-02).

D2: AHMAD ASHRAF I ET AL: "New FRET primers for quantitative real-time PCR." ANALYTICAL AND BIOANALYTICAL CHEMISTRY, vol. 387, no. 8, April 2007 (2007-04), pages 2737-2743.

D3: WO 2007/060707 A (DIASORIN SPA [IT]; ADLERSTEIN DANIEL [IT]; SHEHI ERLET [IT]; DI NICOLA) 31 May 2007 (2007-05-31).

D4: EP-A-1 726 664 (KBIOSCIENCES LTD [GB]) 29 November 2006 (2006-11-29).

D5: WO 2006/119326 A (STRATAGENE CALIFORNIA [US]; SORGE JOSEPH A [US]) 9 November 2006 (2006-11-09).

D6: WO 99/49293 A (BOSTON PROBES INC [US]; COULL JAMES D [US]; GILDEA BRIAN D [US]; HYLDI) 30 September 1999 (1999-09-30).

D7: SOLINAS A ET AL: "Duplex Scorpion primers in SNP analysis and FRET applications" NUCLEIC ACIDS RESEARCH, vol. 29, no. 20, 15 October 2001 (2001-10-15), page E96.

D8: EP-A-0 861 906 (SMITHKLINE BEECHAM CORP [US] QUEST DIAGNOSTICS INVEST INC [US]) 2 September 1998 (1998-09-02).

2 **NOVELTY** (Art. 33(2) PCT)

2.1 The cited prior art discloses:

- D1-D3: primer pairs wherein each primer is labeled with one (D1, D2) or two (D3) labels members of an interactive pair (fluorescent dye and acceptor (D1, D2) or fluorescent dye and quencher (D3)) and amplification methods using the same whereby the primers are brought in close proximity allowing energy transfer (D1, D2) or the quencher is removed by endorestriction (D3) resulting in a measurable change in fluorescence;
- D4-D7: primer pairs wherein one or both of the primers is labeled with one member of an interactive pair and a probe complementary to part of the primer is labeled with the other member of an interactive pair, and amplification methods using the same wherein the probe is either displaced or degraded thereby resulting in a measurable change in

fluorescence;
- D8: fluorescence energy transfer by competitive hybridization by using equal or unequal length complementary probes which have a fluorescent dye on one probe and a quencher on the other.

2.2 The subject-matter of claims 1-39 of the application does not appear to be disclosed in the cited prior art and is thus considered to comply with the requirements of Art. 33(2) PCT.

3 **INVENTIVE STEP** (Art. 33(3) PCT)

3.1 The present application comprises 6 independent claims:
- claim 1 describes a set of oligonucleotides;
- claims 24 and 33 describe methods using one or two sets as in claim 1;
- claim 34 describes a kit and claim 36 describes a reaction mixture comprising i.a. a set as in claim 1;
- claim 38 describes a fluorescently labeled amplicon having at its 5' ends structures corresponding to primers of a set as in claim 1.

3.2 D1 may be seen as the closest prior art as to claim 1. D1 describes a set of oligonucleotides (a PCR primer pair) wherein each primer is labeled with one member of an interactive pair, i.e. a donor fluorescent dye and either an acceptor suitable for resonant energy transfer (Fig. 3) or a quencher (Fig. 4). The fluorescent and acceptor moieties are attached to a sequence of the primers that is complementary to the target.

3.2.1 Claim 1 differs in that
- the first and second oligonucleotides each comprise a 5' sequences which is 5-23 nt in length and wherein said 5' sequence of the first oligonucleotide is at least 80% identical to the complement of said 5' sequence of the second oligonucleotide, in other words the 5' sequences of the first and second oligonucleotides are at least 80% complementary,
- and in that the fluorescent and acceptor moieties are attached to the 5' sequence of the oligonucleotides, while the 3' sequences which are at least 80% identical to target sites are not labeled with fluorescent and acceptor moieties compatible with the moieties attached to the 5' sequences (cf. claim 1).

3.2.2 The technical effect of this difference may be seen in that the first and second oligonucleotides of the set of claim 1 can hybridize to each other whereby the fluorescent and acceptor moieties attached to the 5' sequences can interact by quenching or FRET, and upon competitive hybridization to the target this interaction is disrupted resulting in increased respectively decreased fluorescence.

3.2.3 The problem to be solved may hence be seen in the provision of an alternative set of oligonucleotides suitable for hybridizing to a target and thereby resulting in increased respectively decreased fluorescence. The solution provided consists in a set of oligonucleotides wherein:
- the first and second oligonucleotides each comprise a 5' sequences which is 5-23 nt in length and wherein said 5' sequence of the first oligonucleotide is at least 80% identical to the complement of said 5' sequence of the second oligonucleotide,
- and the fluorescent and acceptor moieties are attached to the 5' sequence of the oligonucleotides, while the 3' sequences which are at least 80% identical to target sites are not labeled with fluorescent and acceptor moieties compatible with the moieties attached to the 5' sequences.

3.2.4 This solution is seen as inventive for the following reasons: the cited prior art does not disclose or suggest a pair of primers labeled with an interactive pair of labels such as described in claim 1, said primers having the property of hybridizing with each other in the 5' sequence. This feature allows the interactive label pair to interact when the primers are hybridized, in the absence of the target, contrary to D1 where the interaction takes place once the primers are hybridized to their target. This feature of D1 brings limitations in the sense that the distance between the two hybridized primers should be short enough to allow the interaction to take place (cf. D1, col. 4, l. 8-13). Detection of primers hybridized at sites separated by longer fragments would be hazardous as it would rely on some secondary or tertiary structures to bring the labels in proximity. The set of oligonucleotides of claim 1 overcomes this limitation of D1, while providing the same advantage of requiring only two labeled primers and no additional labeled probes contrary to other prior art such as D4-D7. Accordingly, claim 1 is considered to comply with Art. 33(3) PCT.

3.3 The same reasoning applies *mutatis mutandis* to claims 2-39.

3.4 Accordingly, claims 1-39 are considered to comply with the requirements of Art. 33(3) PCT.

4 **INDUSTRIAL APPLICABILITY** (Art. 33(4) PCT)

4.1 The subject-matter of claims 1-39 is considered to be industrially applicable.

Re Item VIII
Certain observations on the international application

5 Claims 1-39 lack conciseness and clarity as a whole, contrary to the requirements of Art. 6 PCT. The present application comprises 6 independent claims:
- claim 1 describes a set of oligonucleotides;
- claims 24 and 33 describe methods using one or two sets as in claim 1;
- claim 34 describes a kit and claim 36 describes a reaction mixture comprising i.a. a set as in claim 1;
- claim 38 describes a fluorescently labeled amplicon having at its 5' ends structures corresponding to primers of a set as in claim 1.

Each of the independent claims 24, 33, 34, 36, 38 repeats all the features of the set of oligonucleotides already described in claim 1. Construing the subject-matter of the claims is thereby rendered cumbersome, and the unitary features linking all claims are also not immediately apparent.

CLAIMS:

1. A set of oligonucleotides for detecting a target nucleic acid, said set of oligonucleotides comprising:

a) a first oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said first oligonucleotide, wherein said 3' sequence is at least 80% identical to a first portion of said target nucleic acid, and wherein a fluorescent moiety is attached in the 5' nucleotide sequence of said first oligonucleotide; and

b) a second oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said second oligonucleotide, wherein said 3' nucleotide sequence is at least 80% identical to a second portion of said target nucleic acid, and wherein an acceptor moiety is attached in the 5' nucleotide sequence of said second oligonucleotide;

wherein said 5' nucleotide sequence of said first oligonucleotide is at least 80% identical to the complement of said 5' nucleotide sequence of said second oligonucleotide, and wherein the 3' nucleotide sequence of each said oligonucleotide is not labeled with a fluorescent moiety or an acceptor moiety that is compatible with said fluorescent moiety attached to said first oligonucleotide or said acceptor moiety attached to said second oligonucleotide.

2. The set of oligonucleotides of claim 1, wherein said 5' nucleotide sequences of said first and second oligonucleotides anneal at a temperature that is lower than the temperature required for annealing of the 3' nucleotide sequence of either of said first or second oligonucleotides to said target nucleic acid.

3. The set of oligonucleotides of claim 1, wherein said 5' nucleotide sequences of said first and second oligonucleotides anneal at a temperature that is lower than the temperature required for annealing of the 3' nucleotide sequence of both of said first or second oligonucleotides to said target nucleic acid.

4. The set of oligonucleotides of claim 1, wherein said acceptor molecule is a quencher.

5. The set of oligonucleotides of claim 4, wherein said oligonucleotides anneal at 42°C to 50°C, and wherein fluorescence of said fluorescent moiety is quenched at said annealing temperature.

6. The set of oligonucleotides of claim 5, wherein fluorescence is quenched at least 50% relative to the fluorescence of said fluorescent moiety in the absence of quenching.

7. The set of oligonucleotides of claim 4, wherein said quencher moiety is IOWA BLACK.

8. The set of oligonucleotides of claim 7, wherein the maximum emission spectrum of said fluorescent moiety is between 420 and 620 nm.

9. The set of oligonucleotides of claim 8, wherein said fluorescent moiety is 6-carboxyfluorescein (6-FAM), Rhodamine Green, Oregon Green, hexachlorofluorescein (HEX), 6-carboxy-4', 5'-dichloro-2', 7'- dimethoxyfluorescein (JOE), tetrachlorofluorescein (TET), or indodicarbocyanine 3 (Cy3).

10. The set of oligonucleotides of claim 1, wherein said first and second oligonucleotides are 25 to 50 nucleotides in length.

11. The set of oligonucleotides of any one of claims 1-10, wherein said 3'end of said first or second nucleotide sequence comprises the nucleotide sequence set forth in SEQ ID NO:1.

12. The set of oligonucleotides of any one of claims 1-10, wherein said 3'end of said first or second nucleotide sequence comprises the nucleotide sequence set forth in SEQ ID NO:2.

13. The set of oligonucleotides of any one of claims 1-10, wherein said 3'sequence of said first oligonucleotide comprises an oligonucleotide as set forth in the nucleotide sequence set forth in SEQ ID NO:1 and said 3' sequence of said second oligonucleotide

comprises an oligonucleotide as set forth in the nucleotide sequence set forth in SEQ ID NO:2.

14. The set of oligonucleotides of any one of claims 1-10, wherein said first oligonucleotide comprises the nucleotide sequence set forth in SEQ ID NO:5 and said second oligonucleotide comprises the nucleotide sequence set forth in and SEQ ID NO:6.

15. The set of oligonucleotides of claim 1, said set further comprising third and fourth oligonucleotides for detecting a different target nucleic acid, wherein said third oligonucleotide comprises a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said third oligonucleotide, wherein said 3' sequence is at least 80% identical to a first portion of said different target nucleic acid, and wherein a fluorescent molecule is attached in the 5' nucleotide sequence of said third oligonucleotide; and

wherein said fourth oligonucleotide comprises a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said fourth oligonucleotide, wherein said 3' nucleotide sequence is at least 80% identical to a second portion of said different nucleic acid, and wherein an acceptor molecule is attached in the 5' nucleotide sequence of said fourth oligonucleotide; wherein said 5' nucleotide sequence of said third oligonucleotide is at least 80% identical to the complement of said 5' nucleotide sequence of said fourth oligonucleotide, and wherein the 3' nucleotide sequence of each of said third and fourth oligonucleotides is not labeled with a fluorescent moiety or an acceptor moiety that is compatible with said fluorescent moiety attached to said first or third oligonucleotide, or said acceptor moiety attached to said second or fourth oligonucleotide.

16. The set of oligonucleotides of claim 1, wherein said 5' nucleotide sequence of said first oligonucleotide is at least 90% identical to the complement of said 5' nucleotide sequence of said second oligonucleotide.

17. The set of oligonucleotides of claim 1, wherein said 5' nucleotide sequence of said first oligonucleotide is at least 99% identical to the complement of said 5' nucleotide sequence of said second oligonucleotide.

18. The set of oligonucleotides of claim 1, wherein said fluorescent moiety is attached to the 5' terminal nucleotide of said first oligonucleotide.

19. The set of oligonucleotides of claim 1, wherein said acceptor moiety is attached to the 5' terminal nucleotide of said second oligonucleotide.

20. The set of oligonucleotides of any one of claims 16-19, wherein said 5' nucleotide sequence of said first oligonucleotide comprises SEQ ID NO:6 or SEQ ID NO:7.

21. The set of oligonucleotides of any one of claims 16-19, wherein said 5' nucleotide sequence of said first oligonucleotide comprises SEQ ID NO:6 and said 5' nucleotide sequence of said second oligonucleotide comprises SEQ ID NO:7.

22. The set of oligonucleotides of any one of claims 16-19, wherein said first oligonucleotide consists essentially of SEQ ID NO:4 or SEQ ID NO:5.

23. The set of oligonucleotides of any one of claims 16-19, wherein said first oligonucleotide consists essentially of SEQ ID NO:4 and said second oligonucleotide consists essentially of SEQ ID NO:5.

24. A method for detecting the presence or absence of a target nucleic acid in a biological sample, said method comprising:

(a) contacting said biological sample with a set of oligonucleotides to produce a fluorescently labeled amplicon if said target nucleic acid is present in said sample, said set of oligonucleotides comprising:

i) a first oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said first oligonucleotide, wherein said 3' sequence is at least 80% identical to a first portion

of said target nucleic acid, and wherein a fluorescent moiety is attached in the 5' nucleotide sequence of said first oligonucleotide; and

ii) a second oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said second oligonucleotide, wherein said 3' nucleotide sequence is at least 80% identical to a second portion of said target nucleic acid, and wherein an acceptor moiety is attached in the 5' nucleotide sequence of said second oligonucleotide; wherein said 5' nucleotide sequence of said first oligonucleotide is at least 80% identical to the complement of said 5' nucleotide sequence of said second oligonucleotide, and wherein the 3' nucleotide sequence of each said oligonucleotide is not labeled with a fluorescent moiety or an acceptor moiety that is compatible with said fluorescent moiety attached to said first oligonucleotide or said acceptor moiety attached to said second oligonucleotide; and

(b) detecting fluorescence of said amplicon.

25. The method of claim 24, wherein said contacting and detecting steps take place under real-time PCR conditions.

26. The method of claim 25, wherein said detecting step comprises quantitating the amount of fluorescence.

27. The method of claim 24, wherein said amplicon is between 30 and 500 nucleotides in length.

28. The method of claim 27, wherein said amplicon is between 50 and 150 nucleotides in length.

29. The method of any one of claims 24-28, wherein said 5'nucleotide sequence of said first oligonucleotide comprises SEQ ID NO:6 or SEQ ID NO:7.

30. The method of any one of claims 24-28, wherein said 5'nucleotide sequence of said first oligonucleotide comprises SEQ ID NO:6 and wherein said 5'nucleotide sequence of said second oligonucleotide comprises SEQ ID NO:7.

31. The method of any one of claims 24-28, wherein said first oligonucleotide consists essentially of SEQ ID NO:4 or SEQ ID NO:5.

32. The method of any one of claims 24-28, wherein said first oligonucleotide consists essentially of SEQ ID NO:4 and said second oligonucleotide consists essentially of SEQ ID NO:5.

33. A method for detecting the presence or absence of at least two target nucleic acids in a biological sample, said method comprising

(a) contacting said biological sample with a set of oligonucleotides to produce two fluorescently labeled amplicons if said target nucleic acids are present in said sample, said set of oligonucleotides comprising:

i) a first oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said first oligonucleotide, wherein said 3' sequence is at least 80% identical to a first portion of a first target nucleic acid, and wherein a fluorescent moiety is attached in the 5' nucleotide sequence of said first oligonucleotide; and

ii) a second oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said second oligonucleotide, wherein said 3' nucleotide sequence is at least 80% identical to a second portion of said first target nucleic acid, and wherein an acceptor moiety is attached in the 5' nucleotide sequence of said second oligonucleotide; wherein said 5' nucleotide sequence of said first oligonucleotide is at least 80% identical to the complement of said 5' nucleotide sequence of said second oligonucleotide;

iii) a third oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said third oligonucleotide, wherein said 3' sequence is at least 80% identical to a first portion of a second target nucleic acid, and wherein a fluorescent molecule is attached in the 5' nucleotide sequence of said third oligonucleotide; and

iv) a fourth oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5'

end of said fourth oligonucleotide, wherein said 3' nucleotide sequence is at least 80% identical to a second portion of said second target nucleic acid, and wherein an acceptor molecule is attached in the 5' nucleotide sequence of said fourth oligonucleotide; wherein said 5' nucleotide sequence of said third oligonucleotide is at least 80% identical to the complement of said 5' nucleotide sequence of said fourth oligonucleotide, and wherein the 3' nucleotide sequence of each of said oligonucleotide is not labeled with a fluorescent moiety or an acceptor moiety that is compatible with said fluorescent moiety attached to said first or third oligonucleotide or said acceptor moiety attached to said second or fourth oligonucleotide; and

(b) detecting fluorescence of said amplicons.

34. A kit for detecting a nucleic acid comprising a set of oligonucleotides, said set of oligonucleotides comprising:

a) a first oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said first oligonucleotide, wherein said 3' sequence is at least 80% identical to a first portion of said target nucleic acid, and wherein a fluorescent moiety is attached in the 5' nucleotide sequence of said first oligonucleotide; and

b) a second oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said second oligonucleotide, wherein said 3' nucleotide sequence is at least 80% identical to a second portion of said target nucleic acid, and wherein an acceptor moiety is attached in the 5' nucleotide sequence of said second oligonucleotide; wherein said 5' nucleotide sequence of said first oligonucleotide is at least 80% identical to the complement of said 5' nucleotide sequence of said second oligonucleotide, and wherein the 3' nucleotide sequence of each said oligonucleotide is not labeled with a fluorescent moiety or an acceptor moiety that is compatible with said fluorescent moiety attached to said first oligonucleotide or said acceptor moiety attached to said second oligonucleotide.

35. The kit of claim 34, said kit further comprising a DNA polymerase, $MgCl_2$, KCl, or deoxyribonucleotide triphosphates (dNTPs).

36. A reaction mixture for fluorescence-based monitoring of a polymerase chain reaction, said reaction mixture comprising a set of oligonucleotides, a DNA polymerase, dNTPs, and $MgCl_2$, wherein said set of oligonucleotides comprises:

a) a first oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said first oligonucleotide, wherein said 3' sequence is at least 80% identical to a first portion of said target nucleic acid, and wherein a fluorescent moiety is attached in the 5' nucleotide sequence of said first oligonucleotide; and

b) a second oligonucleotide comprising a 5' and 3' nucleotide sequence, wherein said 5' nucleotide sequence is 5-23 nucleotides in length beginning at the 5' end of said second oligonucleotide, wherein said 3' nucleotide sequence is at least 80% identical to a second portion of said target nucleic acid, and wherein an acceptor moiety is attached in the 5' nucleotide sequence of said second oligonucleotide; wherein said 5' nucleotide sequence of said first oligonucleotide is at least 80% identical to the complement of said 5' nucleotide sequence of said second oligonucleotide, and wherein the 3' nucleotide sequence of each said oligonucleotide is not labeled with a fluorescent moiety or an acceptor moiety that is compatible with said fluorescent moiety attached to said first oligonucleotide or said acceptor moiety attached to said second oligonucleotide.

37. The reaction mixture of claim 36, further comprising a fluorescently labeled amplicon.

38. A fluorescently labeled amplicon, wherein the 5' nucleotide sequence of the sense strand of said amplicon has at least 80% sequence identity to the complement of the 5' nucleotide sequence of the antisense strand of said amplicon, wherein the 5' nucleotide sequences are 5 to 23 nucleotides in length beginning at the 5' end of each strand of the amplicon, and wherein the 5' nucleotide sequence of one strand of said amplicon is labeled with a fluorescent moiety and the 5' nucleotide sequence of the other strand of said amplicon is labeled with a compatible acceptor moiety.

39. The fluorescently labeled amplicon of claim 38, wherein said amplicon is 30 to 500 nucleotides in length.

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

MAILED
MAR 28 2012
OFFICE OF PETITIONS

In re Application of
MILLER
Application No.: 12/680,049
Filed: March 25, 2010
Attorney Docket No.: 63553US005
For: DUAL OLIGONUCLEOTIDE METHOD OF NUCLEIC ACID DETECTION

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 12, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements (1) and (3-8). However, the request to participate in the PPH pilot program and petition fails to meet condition (2).

Regarding the requirement of condition (2), applicant has failed to submit an explanation as to why the claims indicated in Box VIII of the international work are not subject to the observation.

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

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

22 SEP 2010

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Alexandria, VA 22313-1450
www.uspto.gov

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of:
HAAG, Uwe, et al.
U.S. Application No.: 12/680,054
PCT No.: PCT/EP2008/008199
International Filing Date: 27 September 2008
Priority Date: 27 September 2007
Attorney Docket No.: LBP-PT 109 (23 127)
For: INTERCHANGEABLE CARTRIDGE SYSTEM FOR A STRAIGHTENING MACHINE ...

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a) To Accept Declaration On Behalf Of Joint Inventor Who Refuses To Sign" filed 09 August 2010. Applicants have paid the required petition fee.

BACKGROUND

On 27 September 2008, applicants filed international application PCT/EP2008/008199. The international application claimed a priority date of 27 September 2007, and it designated the United States. On 09 April 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., 27 March 2010.

On 25 March 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee and an English translation of the international application.

On 12 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (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 09 August 2010, applicants filed a response to the Notification Of Missing Requirements (with required one-month extension fee). The response included payment of the required surcharge, a declaration executed by three of the four inventors of record, and the "Petition Under 37 CFR 1.47(a) To Accept Declaration On Behalf Of Joint Inventor Who

Refuses To Sign" considered herein. The petition seeks acceptance of the application without the signature of non-signing inventor Uwe HAAG, whom applicants assert has refused to execute the application.

DISCUSSION

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

Applicants here have provided the required petition fee, and the petition expressly confirms that the address for the non-signing inventor set forth in the unsigned declaration (and on the supporting documents accompanying the present petition) is the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

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

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

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

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

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

Here, applicants have provided a firsthand statement, with supporting documents, providing an acceptable showing that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing inventor at his last known address and that the non-signing inventor received the request but refused to execute the declaration

provided.[1] These materials provide an acceptable showing that the non-signing inventor has refused to execute the declaration required herein. Item (4) is therefore satisfied.

CONCLUSION

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

The application is accepted without the signature of non-signing inventor Uwe HAAG.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 August 2010.

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

[1] The inventor signed and returned the declaration, but only after having added a handwritten indication that he was the sole inventor for the application, rendering the declaration unacceptable in the present application (which includes four inventors of record).

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22 SEP 2010

Uwe HAAG
Marxzeller Strasse 35
D-75305 Neuenburg
GERMANY

In re Application of: HAAG, Uwe, et al.
U.S. Application No.: 12/680,054
PCT No.: PCT/EP2008/008199
International Filing Date: 27 September 2008
Priority Date: 27 September 2007
Attorney Docket No.: LBP-PT 109 (23 127)
For: INTERCHANGEABLE CARTRIDGE SYSTEM FOR A STRAIGHTENING MACHINE ...

Dear Mr. HAAG:

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

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

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

Counsel Of Record:
Randolph J. Huis
VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

UNITED STATES PATENT AND TRADEMARK OFFICE

08 SEP 2010

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Alexandria, VA 22313-1450
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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
KIM et al.	:	
Application No.: 12/680,059	:	DECISION
PCT No.: PCT/KR2008/006492	:	
Int. Filing Date: 04 November 2008	:	
Priority Date: 05 November 2007	:	
Attorney's Docket No.: 8737.325.00	:	
For: A METHOD FOR TRANSMITTING BEAM FORMING INFORMATION AND A METHOD FOR TRACKING POSITION OF A MOBILE STATION IN MULTI INPUT MULTI OUTPUT SYSTEM USING CODEBOOK-BASED BEAM FORMING SCHEME	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 16 August 2010.

BACKGROUND

On 25 March 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and preliminary amendment. The international application number keyed into EFS-Web was PCT/KR08/06942. However, the number appearing on the Transmittal Letter and in the preliminary amendment is PCT/KR2008/006492.

On 10 August 2010, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 16 August 2010, applicant submitted the instant petition under 37 CFR 1.182.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/KR2008/0006492**.

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

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

MICHAEL P. MORRIS
BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD CT 06877-0368

MAILED
NOV 08 2011
PCT LEGAL ADMINISTRATION

In re Application of :
PACHUR, Kathrin, et al. :
Application No.: 12/680,060 :
PCT No.: PCT/EP2008/062847 : DECISION
Int. Filing Date: 25 September 2008 :
Priority Date: 28 September 2007 :
Att. Docket No.: 01-2291 :
For: NOVEL COMPOUNDS :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 14 September 2011, is **GRANTED**.

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 appropriate national fee and petition fee have been submitted. 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

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

Application No:	12/680,071	Filing date:	March 25, 2010
First Named Inventor:	Tsuneo SUZUKI		
Title of the Invention:	Window Glass Security System for Vehicle		

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/JP2008/067485

The international date of the corresponding PCT application(s) is/are: 09/26/2008

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-JP (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/680,071
First Named Inventor:	Tsuneo SUZUKI

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)

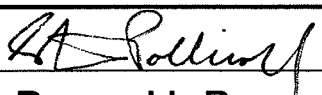
☑ Are attached.

☐ 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	1	
2	2	
3	3	Claims 1-7 in the U.S. Application are based upon and sufficiently
4	4	correspond to the similarly numbered claims which were indicated
5	5	as having novelty, inventive step and industrial applicability in the
6	6	above-identified corresponding PCT application except for
7	7	changes to eliminate multiple claim dependency, to improve clarity,
8	3	grammar and syntax, as well as to eliminate language informalities.
9	4	Claims 8-16 in the U.S. application correspond to one of claims 3-7
10	5	in the corresponding PCT application and have been added
11	6	in order to compensate for the elimination of multiple claim dependency.
12	4	
13	5	
14	6	
15	7	
16	7	

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

Signature		**Steven B. Pollicoff Reg. No. 60,311**	Date 12/23/2011
Name (Print/Typed)	Bruce H. Bernstein		Registration Number 29,027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :Tsuneo SUZUKI

Group Art Unit : N/A

Appl. No. : 12/680,071

Examiner : N/A

Filed : March 25, 2010

Confirmation No. : 1741

For : WINDOW GLASS SECURITY SYSTEM FOR VEHICLE

STATEMENT IN SUPPORT OF REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE AND THE USPTO

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PPH
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In support of the concurrently filed Request for Participation in the PCT-PPH Program between the JPO and the USPTO, Applicant brings the following information to the attention of the U.S. Patent and Trademark Office:

1. The present application is a national application claiming foreign/domestic priority to PCT/JP2008/067485 (which claims priority of JP 2007-256093).

2. A copy of the latest international work product in PCT/JP2008/067485, and English language translation thereof, are submitted concurrently with this Request. Applicant notes that no observation is described in Box VIII.

3. A copy of the claims in PCT/JP2008/067485 having novelty, an inventive step, and industrial applicability, and a verified English language translation thereof, are submitted concurrently with this Request.

4. Although, no documents were cited in the latest international work product, for purposes of accuracy and completeness, an Information Disclosure Statement indicating the same is being concurrently filed herewith.

5. Independent claim 1 of the present application is submitted to "sufficiently correspond" to independent claim 1 of the corresponding PCT Application.

6. Dependent claims 2-7 are submitted to "sufficiently correspond" to claims 2-7 of the corresponding PCT Application and are narrower in scope than independent claim 1, respectively.

7. Dependent claims 8-16 are submitted to "sufficiently correspond" to one of multiple-dependent claims 3-7 of the corresponding PCT Application and are narrower in scope than independent claim 1, respectively.

8. Claims 1-16 of the present application are submitted to "sufficiently correspond" to claims 1-7 of the corresponding PCT Application, regardless of changes to improve clarity, grammar, and syntax, to utilize proper claim format, and to eliminate language formalities. Nevertheless, Applicant respectfully submits that such differences, as consistently recited throughout the claims of the present application, does not affect the condition of the claims of the present application as "sufficiently corresponding" to the claims of the corresponding PCT Application, but rather, merely enhances the clarity of the claims.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
Tsuneo SUZUKI

December 23, 2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Bruce H. Bernstein
Reg. No. 29,027

Steven B. Pollicoff
Reg. No. 60,311

STATEMENT OF ACCURATE TRANSLATION

I, Hideto Ueno, hereby state that I am knowledgeable in the Japanese and English languages and that the attached document is, to the best of my knowledge and belief, a true and accurate English translation of the claims which were indicated as having novelty, inventive step, and industrial applicability in the International Application No. PCT/JP2008/067485.

November 16, 2011

Date

Hideto Ueno

請求の範囲

[1] 車両用窓ガラスセキュリティシステムにおいて、

窓ガラスの閉め忘れ検出を行なう第1検出装置と、

前記窓ガラスの割れ検出を行なう第2検出装置と、

前記第1検出装置及び前記第2検出装置に共用される検出部と、

窓ガラスの閉め忘れでない状態において窓ガラスの割れ検出を行うべく、前記第2検出装置に割れ検出モードを開始させる前に前記第1検出装置に閉め忘れ検出を行わせる制御部と、

を備える窓ガラスセキュリティシステム。

[2] 前記第1検出装置は、前記窓ガラスと窓枠との隙間が人の手を挿入可能な大きさより小さい状態である場合、前記窓ガラスの閉め忘れではないと判定する請求項1に記載の窓ガラスセキュリティシステム。

[3] 前記制御部は、前記第1検出装置により閉め忘れが検出された際は、自動開閉装置を作動させて、窓ガラスを自動的に閉め忘れでない状態に移動させる請求項1又は請求項2に記載の窓ガラスセキュリティシステム。

[4] 前記検出部は、前記窓ガラスの端部に取り付けられた磁石と、車体側に設けられた磁気センサとを備え、前記磁気センサによる前記磁石の磁束の検出状態に基づいて窓ガラスの開放の程度及び割れの有無を判断する請求項1～請求項3のいずれか一項に記載の窓ガラスセキュリティシステム。

[5] 前記検出部は、前記窓ガラスにひびが入った際に窓ガラスを破壊可能とする押圧力で同窓ガラスの端部を挟持しているクリップをさらに含み、前記磁石は前記クリップ又は同クリップにより破壊される窓ガラスの部位に取り付けられている請求項4に記載の窓ガラスセキュリティシステム。

[6] 前記磁気センサは窓ガラスの移動方向において所定間隔をおいて配置された複数の磁気センサを含む請求項5に記載の窓ガラスセキュリティシステム。

[7] 前記検出部は、前記窓ガラスにひびが入った際に窓ガラスを破壊可能とする押圧力で同窓ガラスの端部を挟持しているクリップと、前記クリップ又は同クリップにより破壊される窓ガラスの部位に取り付けられる被検出部とを含む請求項1～請求項3のい

ずれか一項に記載の窓ガラスセキュリティシステム。

English translation of the Japanese claims indicated as having novelty, inventive step, and industrial applicability

1. A vehicle window glass security system comprising:

a first detection device that detects closure forgetting of a window glass;

a second detection device that detects breakage of the window glass;

a detection unit commonly shared by the first detection device and the second detection device; and

a control unit that detects closure forgetting with the first detection device before the second detection device starts a breakage detection mode to detect breakage detection of the window glass when the window glass is not in a closure forgetting state.

2. The window glass security system according to claim 1, wherein the first detection device determines that the window glass is not in the closure forgetting state when a gap between the window glass and a window frame is less than a size in which a person's hand is insertable.

3. The window glass security system according to claim 1 or claim 2, wherein the control unit activates an automatic closing device when the first detection device detects closure forgetting to automatically move the window glass to a state that is not a closure forgetting state.

4. The window glass security system according to any one of claims 1 to 3, wherein the detection unit includes a magnet attached to an end portion of the window glass and a magnetic sensor arranged in a vehicle body, and the

detection unit determines an open amount and occurrence of breakage of the window glass based on a state of magnetic flux of the magnet detected by the magnetic sensor.

5. The window glass security system according to claim 4, wherein the detection unit further includes a clip that clamps an end portion of the window glass with a pressing force that enables breakage of the window glass when the window glass cracks, and the magnet is attached to the clip or a portion of the window glass broken by the clip.

6. The window glass security system according to claim 5, wherein the magnetic sensor includes a plurality of magnetic sensors arranged at predetermined intervals in a moving direction of the window glass.

7. The window glass security system according to any one of claims 1 to 3, wherein the detection unit includes a clip, which clamps an end portion of the window glass with a pressing force that enables breakage of the window glass when the window glass cracks, and a detected portion, which is attached to the clip or a portion of the window glass broken by the clip.

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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FEB 10 2012

OFFICE OF PETITIONS

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of
Tsuneo SUZUKI
Application No.: 12/680,071
Filed: March 25, 2010
Attorney Docket No.: P38161
For: Window Glass Security System

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof.

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

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

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

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Application of :
Masayoshi Suzuta :
Application No. 12/680,081 : DECISION GRANTING PETITION
Filed: March 25, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0970.1035 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 5, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 28, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 1726 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/680,087	01/03/2011	Tomoyuki Igawa	14875-0205US1	1812

26161 7590 06/08/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
JIANG, DONG	
ART UNIT	**PAPER NUMBER**
1646	

NOTIFICATION DATE	DELIVERY MODE
06/08/2011	ELECTRONIC

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

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

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

PATDOCTC@fr.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

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of	:	DECISION ON REQUEST TO
IGAWA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/680,087	:	PROSECUTION HIGHWAY
Filed: January 3, 2011	:	PROGRAM AND PETITION
Attorney Docket No. 14875-0205US1	:	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 3, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application 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

MAILED

OCT 15 2010

PCT LEGAL ADMINISTRATION

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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

In re Application of	:	DECISION ON
Wegener	:	
Application No.: 12/680,091	:	
PCT No.: PCT/US2008/009816	:	
Int. Filing Date: 14 August 2008	:	PETITION UNDER
Priority Date: 28 August 2007	:	
Attorney's Docket No.: 200700363-6	:	
For: Method And Apparatus... Conversion Device	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 25 March 2010.

BACKGROUND

On 14 August 2008, this international application was filed, claiming an earliest priority date of 28 August 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 28 February 2010. This international application became abandoned with respect to the United States at midnight on 28 February 2010 for failure to pay the required basic national fee.

On 25 March 2010, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing

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

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
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Venable LLP
P.O. Box 34385
Washington, D.C. 20043-9998

In re Application of:
LARDO et al.
U.S. Application No.: 12/680,152
PCT No.: PCT/US2008/011265
International Filing Date: 29 September 2008
Priority Date: 28 September 2007
Attorney's Docket No.: 02240-285531
For: COMBINED MULTI-DETECTOR CT ANGIOGRAPHY AND CT MYOCARDIAL PERFUSION IMAGING FOR THE DIAGNOSIS OF CORONARY ARTERY DISEASE

PETITION UNDER
37 CFR 1.497(d)
TO CORRECT
INVENTORSHIP

This decision is issued in response to applicant's "Request for Amendment of Inventorship under 37 CFR 1.48(a)" filed 05 August 2010 treated herein as a petition under 37 CFR 1.497(d). The $130 petition fee has been submitted.

BACKGROUND

On 29 September 2008, applicant filed international application PCT/US2008/011265 which claimed a priority date of 28 September 2007. The international application named Albert Clark Lardo, Richard T. George, Joao A.C. Lima, and Eduardo Marban as applicants/inventors. The deadline for submission of the basic national fee was to expire thirty months from the priority date, i.e., 28 March 2010.

On 25 March 2010, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, the requisite basic national fee, a copy of the international application, and a preliminary amendment.

On 05 May 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 05 August 2010, applicant filed a declaration executed by: Albert Clark Lardo, Richard T. George, Joao A.C. Lima, Eduardo T. Marban, and Takashi Ichihara and the present request to Correct Inventorship under 37 CFR 1.497(d).

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request will be treated under 37 CFR 1.497(d). The present submission seeks to correct the inventorship so as to add inventor Takashi Ichihara 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 person being added (Takashi Ichihara) 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 Albert Clark Lardo, Richard T. George, Joao A.C. Lima, Eduardo T. Marban, and Takashi Ichihara. 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**.

Takashi Ichihara will be added as inventor herein.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Lardo, Albert Clark.	:	
Application No. 12/680,152	:	ON PETITION
Filed: March 25, 2010	:	
Attorney Docket No. 02240-285531	:	

This is a notice regarding your request, August 6, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APEX JURIS, PLLC
12733 LAKE CITY WAY NORTHEAST
SEATTLE WA 98125

MAIL

NOV 02 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
SASAKAWA, TADASHI	:	DECISION ON REQUEST TO
Application No. 12/680,155	:	PARTICIPATE IN PATENT
Filed: March 25, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 10.01.04.PCT	:	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 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; 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

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

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FEB 01 2011

PCT LEGAL ADMINISTRATION

ANGIOTECH
1633 Westlake Avenue N., Ste. 400
Seattle WA 98109

In re Application of :
Herrmann et al. :
Application No.: 12/680,176 :
PCT No.: PCT/US2008/077813 :
Int. Filing Date: 26 September 2008 : DECISION
Priority Date: 27 September 2007 :
Att. Docket No.: 2284.40781USPC :
For: Self-Retaining Sutures Including Tissue Retainers Having Improved Strength :

This is in response to the petition filed on 01 December 2010.

BACKGROUND

This international application was filed on 26 September 2008, claimed an earliest priority date of 27 September 2007, and designated the United States. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 March 2010 (since 27 March 2010 was a Saturday). Applicants timely paid the requisite basic national fee.

On 12 May 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), the surcharge under 37 CFR 1.492(h), and certain other fees.

Applicants filed a response on 12 October 2010.

On 09 November 2010, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, indicating the declaration to be defective because "separated declarations need to indicate additional inventors."

DISCUSSION

Petitioner requests vacatur of the Notification of Defective Response mailed on 09 November 2010. Inspection of the declarations filed on 12 October 2010 reveals that, taken together, they satisfy the requirements of 37 CFR 1.497(a) and (b). As such, the Notification of Defective Response mailed on 09 November 2010 was issued in error, and it is hereby **VACATED**.

DECISION

The petition is **GRANTED**, as described above.

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 October 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/680,182	03/25/2010	Masayuki Hoshino	009289-10155	2422

52989 7590 12/23/2010

Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER	
PEZZLO, JOHN	
ART UNIT	**PAPER NUMBER**
2465	

MAIL DATE	DELIVERY MODE
12/23/2010	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
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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

In re Application of: HOSHINO, MASAYUKI et al.
Application No. 12/680,182
Filed: March 25, 2010
For: RECEIVER APPARATUS AND COMMUNICATION METHOD

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

MAILED

DEC 23 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 05, 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 KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

In view of the revised claim correspondence table and Applicant's comments as well as the submission of the IDS reference in the decision on the original request, the renewed request to participate in the PPH program and petition are now 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 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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DEC 22 2010

PCT LEGAL ADMINISTRATION

Sughrue-265550
2100 Pennsylvania Ave. NW
Washington, D.C. 20037-3213

In re Application of :
TAKITA, Satoshi :
Application No. 12/680,273 : DECISION ON PETITION
PCT No.: PCT/JP2008/067496 : UNDER 37 CFR 1.47(b)
Int. Filing Date: 26 September 2008 :
Priority Date: 28 September 2007 :
Attorney Docket No.: Q118145 :
For: POSITIVE PHOTOSENSITIVE RESIN COMPOSITION AND CURED FILM FORMING METHOD USING THE SAME :

This decision is in response to applicant's "Petition under 37 C.F.R. 1.47(b)" filed 07 September 2010 to accept the application without the signature of inventor, Satoshi TAKITA.

BACKGROUND

On 26 September 2008, applicant filed international application PCT/JP2008/067496 which claimed a priority date of 28 September 2007. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was to expire 30 months from the priority date, 28 March 2010.

On 26 March 2010, applicant 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 a copy of international application.

On 07 June 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 07 September 2010, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

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

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

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

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

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

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

Concerning Item (5), section 409.03(f) of the M.P.E.P., **Proof of Proprietary Interest**, states, in part:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that, as of the date the application is deposited in the Patent and Trademark Office, (1) the invention has been assigned to the applicant, or (2) the inventor has agreed in writing to assign the invention to the applicant, or (3) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

> If the application 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. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324) . . .

As to item 5, petitioner has not submitted sufficient evidence that the inventor assigned the instant application to FUJIFILM Corporation. Specifically, the assignments submitted by petitioner are directed to two Japanese patent applications. Petitioner states that "FUJIFILM has a proprietary interest in the invention by virtue of Assignments . . . Japan Patent Application Nos. 2007-256203 and 2008-246883." However, petitioner fails to indicate whether the international application includes subject matter that is not common with subject matter of the Japanese patent applications. Therefore, further clarification is required that the PCT application does not disclose additional subject matter not disclosed in the Japanese patent applications. (See MPEP section 306, "[i]n the cases of a substitute or continuation-in-part, a prior assignment of the original application is not applied to the substitute or continuation-in-part application because the assignment recorded against the original application gives the assignee rights to only the subject matter common to both applications. Substitute or continuation-in-part application require a new assignment if they are to be issued to an assignee.") Therefore, item (5) has not been satisfied.

As stated above, when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that, as of the date the application is deposited in the Patent and Trademark Office, (1) the invention has been assigned to the applicant, or (2) the inventor has agreed in writing to assign the invention to the applicant, or (3) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

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

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

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO MONTHS** from the mailing date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b).

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone 703-308-6314
Fax: 703-308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

Sughrue-265550
2100 Pennsylvania Ave. NW
Washington, D.C. 20037-3213

MAILED

JUN 01 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TAKITA, Satoshi :
Application No. 12/680,273 : DECISION ON PETITION
PCT No.: PCT/JP2008/067496 : UNDER 37 CFR 1.47(b)
Int. Filing Date: 26 September 2008 :
Priority Date: 28 September 2007 :
Attorney Docket No.: Q118145 :
For: POSITIVE PHOTOSENSITIVE RESIN COMPOSITION AND CURED FILM FORMING METHOD USING THE SAME :

This decision is in response to applicant's "Renewed Petition under 37 C.F.R. 1.47(b) and Request for Reconsideration" filed 18 March 2011 to accept the application without the signature of inventor, Satoshi TAKITA.

BACKGROUND

On 26 September 2008, applicant filed international application PCT/JP2008/067496 which claimed a priority date of 28 September 2007. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was to expire 30 months from the priority date, 28 March 2010.

On 26 March 2010, applicant 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 a copy of international application.

On 07 June 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 07 September 2010, applicant filed a petition under 37 CFR 1.47(b). In a decision dated 22 December 2010, applicant's petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 18 March 2011, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

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

A review of the materials submitted with the renewed petition reveals that applicant has now submitted materials which, taken in combination with the previous submissions, satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

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

The application will be given an international filing date of 26 September 2008 under 35 U.S.C. 363, and a date of **07 September 2010** under 35 U.S.C. 371(c).

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

A notice of the filing of the application under 37 CFR 1.47(b) 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 R—

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Satoshi TAKITA
14, Sumiyoshi Yoshida-cho
Haibare-gun Shizuoka 421-0301
Japan

MAILED

JUN 01 2011

PCT LEGAL ADMINISTRATION

In re Application of
TAKITA, Satoshi
Application No. 12/680,273
PCT No.: PCT/JP2008/067496
Int. Filing Date: 26 September 2008
Priority Date: 28 September 2007
Attorney Docket No.: Q118145
For: POSITIVE PHOTOSENSITIVE RESIN COMPOSITION AND CURED FILM FORMING METHOD USING THE SAME

Dear Satoshi TAKITA:

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

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

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

Counsel of Record:
Sughrue-265550
2100 Pennsylvania Ave. NW
Washington, D.C. 20037-3213

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield NJ 07090

MAILED

OCT 29 2010

PCT LEGAL ADMINISTRATION

In re Application of :
HWANG, et al. :
PCT No.: PCT/KR2009/001792 : DECISION ON PETITION
Application No.: 12/680,297 :
Int. Filing Date: 07 April 2009 : UNDER 37 CFR 1.47(a)
Priority Date: 08 April 2008 :
Atty. Docket No.: LGCHEM 3.9-138 CON :
For: NON-AQUEOUS ELECTROLYTE SOLUTION :
FOR LITHIUM SECONDARY BATTERY AND :
LITHIUM SECONDARY BATTERY :
COMPRISING THE SAME :

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 31 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 April 2009, applicant filed international application PCT/KR2009/001792 which claimed priority to an earlier application filed 08 April 2008. A copy of the international application was communicated from the International Bureau (IB) to the United States on 15 October 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 08 October 2010.

On 26 March 2010, applicant electronically filed papers through the USPTO's EFS-Web filing system identifying the application as a "U.S. National Stage under 35 U.SC 371." The filing included a utility application transmittal letter for filing under 37 CFR 1.53(b) and the Application Data Sheet and specification identified the application as a continuation of international application CT/KR2009/001792.

On 01 July 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 31 August 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

Applicant's present petition is dismissed. The present application was erroneously processed as a U.S. National Stage filing under 35 U.S.C. 371. Based on the conflicting instructions and identification in the specification and ADS the application will be processed as a continuation application under 35 U.S.C. 111(a).

CONCLUSION

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

The Form PCT/DO/EO/905 mailed 01 July 2010 is hereby **VACATED**.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for processing as a U.S. utility application under 35 U.S.C. 111(a).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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

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SEP 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Ra-Young HWANG et al.	:	DECISION GRANTING STATUS
Application No. 12/680,297	:	UNDER 37 CFR 1.47(a)
Filed: March 26, 2010	:	
Attorney Docket No. LGCHEM 3.9-138 CON	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 27, 2011.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor 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 Michelle R. Eason at (571) 272-4231.

for Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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JI-SANG YU
410-8074, DAEDEOK TECHNO VALLEY 4 DANJI, 666
GWANPYEONG-DONG, YUSEONG-GU
DAEJEON 305-509, REPUBLIC OF KOREA

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of
Ra-Young HWANG et a.
Application No. 12/680,297
Filed: March 26, 2010
For: NON-AQUEOUS ELECTROLYTE SOLUTION FOR LITHIUM SECONDARY BATTERY AND LITHIUM SECONDARY BATTERY COMPRISING THE SAME

Dear Mr. Yu:

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

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

Telephone inquiries regarding this communication should be directed to Michelle R. Eason at (571) 272-4231. 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).

Thurman K. Page
Petitions Examiner
Office of Petitions

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

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:	12/680,322	Filing date:	03/26/2010
First Named Inventor:	Harald Hertlein et al.		
Title of the Invention:	Polycrystalline Silicon and Method for The Production Thereof		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2008/062610

The international filing date of the corresponding PCT application(s) is/are: September 22, 2008

I. List of Required Documents:

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

☒ 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.:	12/680,322
First Named Inventor:	Harald Hertlein 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 June 14, 2011

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

☒ Are attached.

☒ Have already been filed in the above-identified U.S. application on June 14, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
9	1	Amended to conform to U.S. practice
10	2	Amended to conform to U.S. practice
11	3	Amended to conform to U.S. practice and to eliminate multiple dependencies
12	3	As for claim 11, dependent on claim 10 (PCT claim 2)
13	4	Amended to conform to U.S. practice
14	4	Contains additional limitations, dependent on claim 13 (PCT claim 4)
15	5	Amended to conform to US practice, eliminate multiple dependencies & delete "preferred"embodiment
16	5	As for claim 15, reinstate "preferred " embodiment of PCT claim 5
17	6	Amended to conform to U.S. practice
18	7	Amended to conform to U.S. practice and to eliminate multiple dependencies
19	7	As for claim 18, dependent on claim 17 (PCT claim 6)
20	8	Amended to conform to US practice, eliminate multiple dependencies and delete "preferred" embodiment
21	8	As for claim 20, reinstate "preferred" embodiment

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

Signature /William G. Conger/	Date September 30, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 10 2012

OFFICE OF PETITIONS

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of
Harald Hertlein et al.
Application No.: 12/680,322
Filed: March 26, 2010
Atty. Docket No.: WAS1064PUSA
For: Polycrystalline Silicon and Method for the Production 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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 30, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

The request to participate in the PPH pilot program and petition fail to meet requirements (3) and (4).

Regarding the requirement of condition (3), applicant has failed to submit a copy of the claims from the PCT application.

Regarding the requirement of condition (4), it cannot be determined if the US claims sufficiently correspond, until a copy the PCT claims are submitted. Applicant is responsible for ensuring that the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application.

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

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: Unknown

HARALD HERTLEIN et al.

Examiner: Unknown

Serial No.: 12/680,322

Filed: March 26, 2010

For: POLYCRYSTALLINE SILICON AND METHOD FOR THE PRODUCTION THEREOF

Attorney Docket No.: WAS 1064 PUSA

PETITION TO MAKE SPECIAL UNDER PCT- PPH

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

Sir:

Applicants petition to participate in the PPH was denied based on the lack of submission of a copy of the PCT claims indicated to have novelty, inventive step, and industrial utility along with an English translation thereof and a statement that the translation is accurate.

A translation of the PCT claims has already been presented. Please see pages 17-18 of the English language translation.

Attached hereto is a copy of the PCT claims filed in the German language, and a copy of the English translation of the claims, which Applicant's attorney hereby states is accurate.

It is noted that the pending claims have been amended to comply with U.S. claim language practice and to eliminate multiple dependent claims. A claim correspondence table matching these claims to the PCT claims has already been submitted.

Grant of the Petition is respectfully solicited.

Respectfully submitted,

Harald Hertlein et al.

By: /William G. Conger/
William G. Conger, Reg. No. 31,209
Attorney/Agent for Applicant

Date: February 17, 2012

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

Attachments: English translation of claims
German language claims

Patentansprüche:

1. Polykristalliner Siliciumstab, dadurch gekennzeichnet, dass er einen Stabquerschnitt mit einem zur elektrischen Leitung zur Verfügung stehenden Flächenanteil von 50 - 99 % an Silicium besitzt und der Stab eine Biegefestigkeit von 0,1 bis 80 N/mm^2 aufweist.

2. Siliciumstab gemäß Anspruch 1, dadurch gekennzeichnet, dass er eine Druckfestigkeit von 1 bis 100 N/mm^2 und eine Rohdichte im Bereich 2,0 bis 2,3 g/cm^3 und eine Gesamtporosität von 0,01 bis 0,2 hat.

3. Siliciumstab gemäß Anspruch 1 oder 2, dadurch gekennzeichnet, dass er eine im Siemensprozess aufgewachsene Siliciumschicht mit einer gleichartigen Struktur aufweist, wobei diese Struktur Poren, Fugen, Spalten, Risse und Klüfte enthält.

4. Polysiliciumbruch, mit einer Bruchgrößenverteilung von 1 bis 150 mm und einer Sphärizität von 0,7 bis 1,0 und einem Breiten zu Längenverhältnis im Bereich 0,7 bis 1,0, dadurch gekennzeichnet, dass er eine Oberfläche mit einer Summe an metallischen Verunreinigungen zwischen 1 und 12 ppbw hat und die Oberfläche, weniger als 62 ppb Nitrat und weniger als 1 ppb Fluorid aufweist.

5. Verfahren zur Herstellung eines Polysiliciumstabs nach einem der Ansprüche 1 bis 3, bei dem ein Mengenstrom eines Reaktionsgases enthaltend ein Chlorsilangemisch und Wasserstoff in einen Reaktor eingeleitet wird und hochreines Polysilicium an einem durch direkten Stromdurchgang erhitzten Filamentstab aus Silicium abgeschieden wird, wobei der Filamentstab aus zwei senkrechten und einem waagrechten Stab gebildet wird und wobei der waagrechte Stab eine verbindende Brücke zwischen den senkrechten Stäben bildet, dadurch gekennzeichnet, dass als Chlorsilangemisch ein Ge-

misch aus Di- und Trichlorsilan eingesetzt wird und der Stromdurchgang durch den Filamentstab derart geregelt ist, dass der Filamentstab eine Temperatur an der Unterseite der Brücke zwischen 1300 und 1413°C aufweist und die Temperatur der Reaktionsgase im Reaktor gemessen und so eingestellt wird, dass sie höchstens 650°C beträgt, und der Mengenstrom des Chlorsilangemisches in weniger als 30 Stunden, bevorzugt in weniger als 5 Stunden ab Beginn der Zufuhr des Chlorsilangemisches auf seinen Maximalwert eingestellt wird.

6. Verfahren gemäß Anspruch 5, dadurch gekennzeichnet, dass die Temperatur an der Unterseite der Brücke während der gesamten Chargenlaufzeit konstant bei 1400°C gehalten wird.

7. Verfahren gemäß Anspruch 5 oder 6, dadurch gekennzeichnet, dass die Chlorsilanmenge in 15 Stunden auf die Maximalmenge gesteigert wird.

8. Verfahren gemäß Anspruch 5, 6 oder 7, dadurch gekennzeichnet, dass der spezifische Mengenstrom an Chlorsilane im Bereich 400 bis 1000 bevorzugt 500 kg Chlorsilane pro h pro m^2 Siliciumfilamentstabfläche beträgt.

Claims:

1. A polycrystalline silicon rod, characterized in that it possesses a rod cross section with an areal proportion of 50-99% silicon available for electrical conduction and the rod has a flexural strength of 0.1 to 80 N/mm^2.

2. The silicon rod as claimed in claim 1, characterized in that it has a compressive strength of 1 to 100 N/mm^2 and an apparent density in the range of 2.0 to 2.3 g/cm^3 and a total porosity of 0.01 to 0.2.

3. The silicon rod as claimed in claim 1 or 2, characterized in that it has a silicon layer with a homogeneous structure grown on in the Siemens process, which structure comprises pores, seams, gaps, cracks and fissures.

4. Polysilicon fragments with a fragment size distribution from 1 to 150 mm and a sphericity of 0.7 to 1.0 and a width to length ratio in the range of 0.7 to 1.0, characterized in that it has a surface with a total of metallic impurities between 1 and 12 ppbw and the surface has less than 62 ppb of nitrate and less than 1 ppb of fluoride.

5. A process for producing a polysilicon rod according to any of claims 1 to 3, in which a stream of a reaction gas comprising a chlorosilane mixture and hydrogen is introduced into a reactor and high-purity polysilicon is deposited on a filament rod of silicon heated by direct passage of current, the filament rod being formed from two vertical rods and one horizontal rod, and the

horizontal rod forming a linking bridge between the vertical rods, characterized in that the chlorosilane mixture used is a mixture of di- and trichlorosilane and the passage of current through the filament rod is regulated such that the filament rod has a temperature at the underside of the bridge between 1300 and 1413°C and the temperature of the reaction gases measured in the reactor is adjusted so as to be not more than 650°C, and the flow rate of the chlorosilane mixture is adjusted to its maximum value within less than 30 hours, preferably within less than 5 hours, from the start of supply of the chlorosilane mixture.

6. The process as claimed in claim 5, characterized in that the temperature at the underside of the bridge over the entire batch run time is kept constant at 1400°C.

7. The process as claimed in claim 5 or 6, characterized in that the chlorosilane rate is increased to the maximum rate within 15 hours.

8. The process as claimed in claim 5, 6 or 7, characterized in that the specific flow rate of chlorosilanes is in the range of 400 to 1000 kg, preferably 500 kg, of chlorosilanes per h per m^2 of silicon filament rod area.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

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MAR 14 2012

OFFICE OF PETITIONS

In re Application of
Harald Hertlein et al.
Application No.: 12/680,322
Filed: March 26, 2010
Atty. Docket No.: WAS1064PUSA
For: Polycrystalline Silicon and Method for the Production 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 renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on February 17, 2012, 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 Australia, Austria, China, EPO, Finland, JPO, Korea, NPI, Russia, Spain, Sweden and the 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 Kimberly Inabinet at 571-272-4618.

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

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Eduardo Krupnik
Ontario AgriCentre
100 Stone Road West, St 301
Canada ON N1G 5L3 Canada

MAILED

APR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KRAATZ, et al. :
U.S. Application No.: 12/680,342 : DECISION ON PETITION
PCT No.: PCT/CA2008/001690 : UNDER 37 CFR 1.182
International Filing Date: 26 September 2008 :
Priority Date: 28 September 2007 :
Attorney's Docket No.: 117393.0003 :
For: NUCLEOTIDE TRIPHOSPHATE WITH AN ELECTROACTIVE LABEL CONJUGATED TO THE GAMMA PHOSPHATE :

This decision is issued in response to applicants' "Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" filed 09 September 2010, treated herein as Petition under 37 CFR 1.182. Applicants are notifying the Office that the name of the first inventor is Heinz-Bernhard KRAATZ as indicated on the declaration rather than Bernie KRAATZ as indicated on the published international application.

In the published international application, the first inventor was identified as Bernie KRAATZ. On the declaration filed 09 September 2010, this inventor was identified as Heinz-Bernhard KRAATZ. With respect to corrections in an inventor's name, 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 the correct name of the first inventor is Heinz-Bernhard KRAATZ. In that this is clearly more than a mere typographical error of applicant's given name on the published international application, 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 first 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.

Here, applicants have not paid the required petition fee. As a result, the declaration of inventors submitted on 09 September 2010, which does not comply with 37 CFR 1.497(a) and (b) in that the names of the inventors do not match those listed on the international application, cannot be accepted at this time.

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." A 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
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Eduardo Krupnik
2010-255 Queens Avenue
London ON N6A 5R8 CA CANADA

MAILED

MAY 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KRAATZ, et al. :
U.S. Application No.: 12/680,342 : DECISION ON PETITION
PCT No.: PCT/CA2008/001690 : UNDER 37 CFR 1.182
International Filing Date: 26 September 2008 :
Priority Date: 27 September 2007 :
Attorney's Docket No.: 117393.0003 :
For: NUCLEOTIDE TRIPHOSPHATE WITH AN :
ELECTROACTIVE LABEL CONJUGATED TO :
THE GAMMA PHOSPHATE

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182" filed 02 May 2011. Applicants are notifying the Office that the name of the first inventor is Heinz-Bernhard KRAATZ as indicated on the declaration rather than Bernie KRAATZ as indicated on the published international application.

In the published international application, the first inventor was identified as Bernie KRAATZ. On the declaration filed 09 September 2010, this inventor was identified as Heinz-Bernhard KRAATZ. With respect to corrections in an inventor's name, 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 the correct name of the first inventor is Heinz-Bernhard KRAATZ. In that this is clearly more than a mere typographical error of applicant's given name on the published international application, 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 first 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.

Here, applicants' submission included the required $400 petition fee. Additionally, applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the first inventor herein is Heinz-Bernhard KRAATZ, as set forth on the declaration filed 09 September 2010.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor herein is GRANTED.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 09 September 2010.

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

27 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

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

In re Application of	:	
KOKURYU et al.	:	
Application No.: 12/680,379	:	DECISION
Attorney's Docket No.: 114324-KC0092	:	
PCT No.: PCT/JP2008/067263	:	
Int. Filing Date: 25 September 2008	:	
Priority Date: 28 September 2007	:	
For: PORTABLE TERMINAL, MESSAGE	:	
NOTIFICATION METHOD, AND METHOD	:	
NOTIFICATION PROGRAM	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 09 September 2010.

BACKGROUND

On 26 March 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/JP2008/067163. This same international application number also appears on the Transmittal Letter. However, the number appearing on the ADS is PCT/JP2008/067263.

On 20 July 2010, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 09 September 2010, applicant submitted the instant petition under 37 CFR 1.182.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/JP2008/067263**.

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

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United States Patent and Trademark Office
P.O. Box 1450
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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

FEB 28 2012

In re Application of
SHIMADA, YOSHIHIRO et al. :
Application No.: 12/680,397 : DECISION ON
Filing or 371(c) Date: March 26, 2010 : PETITION
Attorney Docket Number: F10269 :

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on August 30, 2011.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed May 12, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on August 25, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on June 28, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. A letter which authorized to charge any fee(s) or fee included a deposit account.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

Attorney Docket No. P64513-US1/2380-1417

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Ghani Abbas	§	Group Art Unit:	TBD
		§		
Application No:	12/680,450	§	Examiner:	TBD
		§		
§ 371(c) Date:	November 1, 2010	§	Confirmation No.	4224

FOR: NETWORKS HAVING MULTIPLE PATHS BETWEEN NODES AND NODES FOR SUCH A NETWORK

Via EFS-Web

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

CERTIFICATE OF TRANSMISSION BY EFS-WEB

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

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102

In accordance with the U.S.P.T.O.'s "Backlog Reduction Stimulus Plan," as set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant") submits this Petition to Make Special (this "Petition") and requests that the above-referenced application (the "Present Application") be accorded special status under 37 C.F.R. § 1.102.

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/346,369 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) The Present Application and the Abandoned Application were both subject to an obligation that arose prior to October 1, 2009 on the part of their respective inventors to assign all ownership rights in the relevant applications to Applicant;

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R.§ 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) Telefonaktiebolaget LM Ericsson is currently the sole assignee of both the Present Application and the Abandoned Application, and the Present Application and the Abandoned Application were both subject to an obligation to

assign all ownership rights in the relevant applications to Telefonaktiebolaget LM Ericsson that arose prior to October 1, 2009;

d) As indicated above, the Abandoned Application was assigned the application number U.S. Pat. Appl. No. 12/346,369;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

Electronic Acknowledgement Receipt

EFS ID:	9147189
Application Number:	12346369
International Application Number:	
Confirmation Number:	9362
Title of Invention:	Advanced Elastic Time Recovery Mechanism Using Wildcard Searches
First Named Inventor/Applicant Name:	Jeremy Horner
Customer Number:	27045
Filer:	Steven Ware Smith/Todd Cason
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P27874-US1
Receipt Date:	31-DEC-2010
Filing Date:	30-DEC-2008
Time Stamp:	20:31:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	P27874-RequestFile.pdf	24973 ba420a383626c5c43cd99e895dcad26a9ae135c1	no	2

Warnings:	
Information:	

Total Files Size (in bytes):	24973

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. P27874-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Jeremy Horner	§	Group Art Unit:	2471
		§		
Application No:	12/346,369	§	Examiner:	Farah Faroul
		§		
Filed:	December 30, 2008	§	Confirmation No.	9362

FOR: ADVANCED ELASTIC TIME RECOVERY MECHANISM USING WILDCARD SEARCHES

Via EFS-Web

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

CERTIFICATE OF TRANSMISSION BY EFS-WEB

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

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

DECLARATION OF EXPRESS ABANDONMENT UNDER 37 C.F.R § 1.138

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively, the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 12/346,369 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 12/680,450.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

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JAN 13 2011

OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
ABBAS :
Application No. 12/680,450 :
35 U.S.C. 371 Date: Not Yet Determined :
Int. Appl. No.: PCT/EP2007/061774 :
Int. File Date: October 31, 2007 :
Attorney Docket No. **JRL-2380-1417** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of :
Ghani Abbas :
Application No. 12/680,450 : DECISION ON PETITION
Filed: : TO WITHDRAW
Attorney Docket No.: JRL-2380-1417 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 18, 2011.

The request is **NOT APPROVED**.

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

The request is filed by John R. Lastova on behalf of the attorneys/agents associated with Customer Number 23117.

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 Customer Number provided (27045) 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DEC 29 2010

PCT LEGAL ADMINISTRATION

Covington & Burling, LLP
ATTN: Patent Docketing
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

In re Application of:
BALKOVEC et al.
Application No.: 12/680,472
PCT No.: PCT/US2008/011100
Int. Filing Date: 25 September 2008
Priority Date: 28 September 2007
Attorney Docket No.: 015332.2483-US01
For: ANTIFUNGAL AGENTS

DECISION ON PAPERS
UNDER 37 CFR 1.42

This decision is issued in response to the submitted declaration filed 01 October 2010, which is being treated as a request under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 25 September 2008, applicant filed international application PCT/US2008/011100, which claimed a priority date of 28 September 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, 28 March 2010.

On 26 March 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, the basic national fee, a copy of the international application, and an application data sheet.

On 01 July 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(h).

On 01 October 2010, applicant filed a declaration of inventorship.

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 filed 01 October 2010 is executed by James M. Balkovec and Phieng Siliphaivanh as inventors and Roland A. Bouffard on behalf of the deceased inventor, Frances Bouffard. However, the declaration does not state that Roland A. Bouffard is the sole heir or legal representative (executor, administrator, etc.) of the deceased inventor. Absent a statement that Roland A. Bouffard is the sole heir or legal representative (executor, administrator, etc.) of the deceased inventor, the declaration cannot be accepted under 37 CFR 1.42.

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.

Thus, in order for the declaration to be acceptable under 37 CFR 1.42, 37 CFR 1.497(b)(2) requires that the declaration "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" and "state the person is a legal representative and the citizenship, residence and mailing address of the legal representative." In view of the deficiencies noted above, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time. (It is noted that this requirement is not alleviated by identifying such information on secondary documents.)

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" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 25 2011

PCT LEGAL ADMINISTRATION

Covington & Burling, LLP
ATTN: Patent Docketing
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

In re Application of:
BALKOVEC et al.
Application No.: 12/680,472
PCT No.: PCT/US2008/011100
Int. Filing Date: 25 September 2008
Priority Date: 28 September 2007
Attorney Docket No.: 015332.2483-US01
For: ANTIFUNGAL AGENTS

DECISION ON PAPERS
UNDER 37 CFR 1.42

In a decision mailed by this Office on 29 December 2010, the declaration filed by applicant on behalf of deceased inventor Frances Bouffard was dismissed for failure to include all the information required under 37 CFR 1.497.

On 18 February 2011, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 18 February 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Roland A. Bouffard as the "legal representative," states his/her relationship to the deceased (i.e., legal representative), and provides Roland A. Bouffard'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.

The request for status under 37 CFR 1.42 is **GRANTED**.

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.

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

10 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

McKenna Long & Aldridge LLP
1900 K Street, NW
Washington, DC 20006

In re Application of:	:	
CHUNG et al.	:	
U.S. Application No.: 12/680,482	:	
PCT Application No.: PCT/KR2008/005718	:	DECISION ON PETITION
International Filing Date: 26 September 2008	:	UNDER 37 CFR 1.182
Priority Date: 28 September 2007	:	
Attorney's Docket No.: 8737.354.00	:	
For: METHOD FOR DETECTING CONTROL INFORMATION IN WIRELESS COMMUNICATION SYSTEM	:	

This decision is issued in response to applicants' "Response to Notification of Missing Requirements" filed 31 August 2010. The response seeks to correct the bibliographic data (international application number) for the national stage application papers filed 26 March 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/KR2008/005718. The required $400 petition will be charged to Deposit Account no. 50-0911, as explained below.

BACKGROUND

On 26 September 2008, applicants filed international application PCT/KR2008/005718 which claimed a priority date of 28 September 2007. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 28 March 2010.

On 26 March 2010, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included a Transmittal Letter (Form PTO-1390), a preliminary amendment, an executed declaration, and the payment of the basic national fee.

The Transmittal Letter filed by applicants on 26 March 2010 identified the international application number as PCT/KR2008/005178. Additionally, the bibliographic information provided by applicants during the electronic filing process identified the international application number as PCT/KR2008/005178. Based on the information provided during the electronic filing process, the present application was established as the U.S. national stage of PCT/KR2008/005178.

On 18 August 2010, the USPTO mailed a Notification Of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration/power of attorney does not comply with 37 CFR 1.497(a) and (b) in that "the PCT International application number is different on the declaration compared to the Transmittal Letter." The notification set a two-month time limit in which to respond. (The Notification indicated the application as a national stage of PCT/KR2008/005178.)

On 31 August 2010, applicants filed the "Response to Notification of Missing Requirements" considered herein. The petition seeks to correct the error in the international application number provided during the electronic filing of the present national stage application so that the present application may be treated as the U.S. national stage of PCT/KR2008/005718.

DISCUSSION

As set forth above, the data entered by applicants during the electronic filing incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 26 March 2010 can be treated as having been directed to international application PCT/KR2008/005718, as necessary to avoid abandonment of this international application with respect to the United States.

In the present petition, applicants confirm that the identification of international application PCT/KR2008/005178 during the electronic filing process was the result of a typographical error and that the correct international application herein is PCT/KR2008/005718. Applicants note that the correct international application number was contained in the materials filed 26 March 2010 (specifically, the executed declaration and cover sheet of the international application). Finally, applicants' petition included payment of the required $400 petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number identified during the electronic filing process. Accordingly, the materials filed herein on 26 March 2010 will be treated as having been directed to international application PCT/KR2008/005718.

The Notification of Missing Requirements mailed 18 August 2010 is hereby withdrawn.

CONCLUSION

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

The Notification of Missing Requirements mailed 18 August 2010 is hereby withdrawn.

The materials filed herein on 26 March 2010 will be treated as the U.S. national stage of PCT/KR2008/005718. The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 22 2010

OFFICE OF PETITIONS

GFD PATENTS, LLC
P.O. BOX 752
CLIFTON PARK NY 12065

In re Application of	:	
Hay, Jian and Wang	:	DECISION ACCORDING STATUS
Application No. 12/680510	:	UNDER 37 CFR 1.47(a)
Filed: March 26, 2010	:	
Title: HIGH TEMPERATURE POLY(ARYL ETHER)S CONTAINING A PHTHALAZINONE MOIETY	:	

This is in response to the petition under 37 CFR 1.47(b), filed April 12, 2010, which is properly treated as a petition under 37 CFR 1.47(a).

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

Applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor constructively refused to join in the application.

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

The Office finance records indicate that applicants submitted a $130.00 petition fee. The current fee for the filing of the present petition is $200.00. Accordingly, the Office will charge the Deposit Account for the outstanding balance of $70.00.

The matter is being forwarded to the Office of Patent Application Processing.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 22 2010

OFFICE OF PETITIONS

Xi Gao Jian, Professor
Dalian University of Technology
School of Chemical Engineering
Department of Fine Chemicals
Department of Polymer Science and Materials
LiaoNing Province
Dalian 116012
People's Republic of China

In re Application of :
Hay, Jian and Wang :
Application No. 12/680,510 : LETTER
Filed: March 26, 2010 :
Title: HIGH TEMPERATURE POLY(ARYL ETHER)S CONTAINING A PHTHALAZINONE MOIETY :

Dear Xi Gao Jian:

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

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

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 (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

GFD PATENTS, LLC
P.O. BOX 752
CLIFTON PARK NY 12065

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Emerson, Thomson & Bennett, LLC
1914 Akron-Peninsula Road
Akron OH 44313

MAILED

OCT 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Xu et al.	:	
Application No. 12/680,650	:	LETTER REGARDING
Filed: May 12, 2010	:	FEE DEFICIENCY PAYMENT
Atty Docket No. 40169.50005	:	

This is in response to the REQUEST TO CHANGE ENTITY STATUS filed October 12, 2011, which is properly treated as a notification of loss of entitlement to small entity status.

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.

The statement is signed by an attorney of record. The statement includes an itemization and payment of $770 for the deficiency in payment of fees.

Your notification of a loss of entitlement to small entity status and fee deficiency submission under 37 CFR 1.28 is now **ACCEPTED**.

Payment of the deficiency has been treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

PTO/SB/420 (12-09)
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: OLI-124	Application Number (if known): 12/680,664	Filing date: March 29, 2010

First Named Inventor: Tomohiro NUMAJIRI et al.

Title: WIND TURBINE GENERATOR

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:

   <u>Applicant is requesting early publication</u>: 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. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

   If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

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 requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that 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 /Benjamin J. Hauptman/	Date February 26, 2011
Name (Print/Typed) Benjamin J. Hauptman	Registration Number 29,310

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

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/420 (12-09)
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.

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 notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html):*

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

(2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.

(3) 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.

(4) 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 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 cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.

(5) 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 will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(6) 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.

(7) 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.

Docket No.: OLI-124 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Confirmation No. 6109
Tomohiro NUMAJIRI et al. :
:
U.S. Patent Application No.: 12/680,664 :
:
Filed: March 29, 2010

For: WIND TURBINE GENERATOR

STATEMENT OF SPECIAL STATUS

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

Dear Sir:

This Statement of Special Status is filed in conjunction with a Petition to Make Special Under the Green Technology Pilot Program.

The above-referenced application pertains to environmental quality, i.e. development of wind turbine generator. Special status is sought, because the invention materially contributes to the discovery or development of renewable energy resources.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 11-0219 and please credit any excess fees to such deposit account.

Respectfully submitted,

KANESAKA BERNER & PARTNERS

Benjamin J. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 519-9785
Facsimile: (703) 519-7769
Date: February 26, 2011
BJH/tal

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.
12/680,664	03/29/2010	Tomohiro Numajiri	OLI-124	6109

32628 7590 09/22/2011

KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
09/22/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
NUMAJIRI, TOMOHIRO . et al	:	DECISION ON PETITION
Application No. 12/680,664	:	TO MAKE SPECIAL UNDER
Filed: March 29, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. OLI-124	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed February 26, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/680,672	03/29/2010	Hyun Woo Lee	8737.349.00	6171

30827 7590 01/20/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
VU, HUY DUY	

ART UNIT	PAPER NUMBER
2461	

MAIL DATE	DELIVERY MODE
01/20/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: LEE et al.
Application No. 12/680,672
Filed: March 29, 2010
For: METHOD OF TRANSMITTING CONTROL SIGNALS IN WIRELESS COMMUNICATION SYSTEM

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

MAILED
JAN 20 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 January 3, 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 KIPO, 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 KIPO, 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 KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO 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 KIPO application that contains the allowable/patentable claims and the KIPO 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) 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 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 KIPO 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 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 are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/680,686	03/29/2010	Romuald Andrzej Rylski	2665.0001C (PAT0001-US)	6275

92270 7590 12/08/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
1773	

MAIL DATE	DELIVERY MODE
12/08/2011	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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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

Applicant: Rylski et al.
Appl. No.: 12/680,686
Filing Date: March 29, 2010
Title: PIPETTE WITH ADJUSTABLE VOLUME OF ASPIRATED LIQUID
Attorney Docket No.: 2665.0001C (PAT0001-US)
Pub. No.: US 2010/0266453 A1
Pub. Date: October 21, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 21, 2010, for the above-identified application.

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

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

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

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

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

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

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

By facsimile: 571-273-8300

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

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

Adjustment date: 12/09/2011 KKING1
10/29/2010 INTEFSW 00009570 12680686
01 FC:1504 -300.00 DP

Refund Ref:
12/09/2011 0030105347

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXX1004

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:	12/680,693	Filing date:	MARCH 29, 2010
First Named Inventor:	NISHIJIMA		
Title of the Invention:	POWER SUPPLY APPARATUS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/071284

The international date of the corresponding PCT application(s) is/are: DECEMBER 22, 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-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.:	12/680,693
First Named Inventor:	NISHIJIMA

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 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 August 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US CLAIMS ARE UNAMENDED TRANSLATIONS OF THE CORRESPONDING PCT CLAIMS
2	2	"
3	3	"
4	4	"
5	5	"
6	6	"
7	7	"
8	8	"
9	9	"
10	10	"
11	11	"
12	12	"

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

Signature /Sarah E. Smith/	Date 11/17/11
Name (Print/Typed) Sarah E. Smith	Registration Number 50,488

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference 38664	Date of mailing *(day/month/year)* FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/071284	22.12.2009	24.12.2008

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

Applicant
NISHIJIMA Kimihiro

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/JP2009/071284

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/JP2009/071284

Box No. II Priority

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

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

3. Additional observations, if necessary:

The invention of the claims of this application is not disclosed in the application which serves as the basis for claiming priority (JP 2008-327675).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/071284

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		NO
Inventive step (IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2007-124850 A (Mitsumi Electric Co., Ltd.), 17 May 2007

Document 2: JP 2007-20316 A (Rohm Co., Ltd.), 25 January 2007

Document 3: JP 2002-44941 A (FDK Corp.), 08 February 2002

The invention as in claims 1-12 is not disclosed in any of the documents cited in the ISR, and therefore is novel and involves an inventive step. In particular, a power supply device, comprising a first switch that controls a supply interval serving as a reference of a first power value supplied from a first circuit, a drive unit that includes an open/close switch controlling the open/close timing of the aforementioned first switch, and a second switch that controls a supply interval serving as a reference of a second power value supplied from a second circuit, wherein the aforementioned first circuit passes outside the aforementioned drive unit, whereas the aforementioned second circuit passes inside the aforementioned drive unit, and the aforementioned open/close switch and the aforementioned second switch are a common element is not disclosed in any of the documents, and

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

even a person skilled in the art could not easily conceive of such feature.

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
　牛木　護

様

あて名
〒105-0001
日本国東京都港区虎ノ門一丁目１４番１号　郵政福祉琴平ビル３階

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)　１６．０２．２０１０
出願人又は代理人 の書類記号　38664	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 ＰＣＴ／ＪＰ２００９／０７１２８４	国際出願日 (日.月.年)　２２．１２．２００９	優先日 (日.月.年)　２４．１２．２００８

国際特許分類（ＩＰＣ）Int.Cl. H02M3/155(2006.01)i

出願人（氏名又は名称）
国立大学法人　大分大学

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
０９．０２．２０１０

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） 杉浦　貴之	３Ｖ　９７２３
	電話番号　０３－３５８１－１１０１　内線　３３５８	

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／ＪＰ２００９／０７１２８４

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／ＪＰ２００９／０７１２８４

第Ⅱ欄　優先権

1．☐ 国際調査機関が優先権主張の基礎となる先の出願の写し、又は、要求される場合には、先の出願の翻訳文を受領しなかったため、優先権主張の有効性を検討しなかった。しかしながら、出願人の主張する優先日が基準日であると仮定してこの見解書を作成した（ＰＣＴ規則43の2.1及び64.1）。

2．☐ この見解書は、優先権の主張が無効であると認められるので、優先権の主張がされなかったものとして作成した（ＰＣＴ規則43の2.1及び64.1）。したがって、この見解書においては、上記国際出願日を基準日とする。

3．追加の意見（必要ならば）

本願の請求の範囲に係る発明は、優先基礎出願（ＪＰ　２００８－３２７６７５）に開示されていない。

国際調査機関の見解書

国際出願番号 PCT／JP2009／071284

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）	請求項	1－12	有
	請求項		無
進歩性（IS）	請求項	1－12	有
	請求項		無
産業上の利用可能性（IA）	請求項	1－12	有
	請求項		無

2. 文献及び説明

文献1：JP 2007-124850 A（ミツミ電機株式会社）2007.05.17
文献2：JP 2007-20316 A（ローム株式会社）2007.01.25
文献3：JP 2002-44941 A（エフ・ディー・ケイ株式会社）2002.02.08

請求項1－12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、進歩性を有する。特に、第1経路から供給される第1電力値の基準となる供給期間を制御する第1スイッチと、前記第1スイッチの開閉のタイミングを制御する開閉スイッチを含む駆動部と、第2経路から供給される第2電力値の基準となる供給期間を制御する第2スイッチと、を備える電力供給装置において、前記第1経路は、前記駆動部の外部を経由すると共に、前記第2経路は、前記駆動部の内部を経由し、前記開閉スイッチと前記第2スイッチとは、共通要素である、点は、何れの文献にも開示されておらず、しかも、その点は当業者といえども容易に想到し得ないものである。

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 22 2011

PCT LEGAL ADMINISTRATION

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of
NISHIJIMA
U.S. Application No.: 12/680,693
PCT Application No.: PCT/JP09/71284
Int. Filing Date: 22 December 2009
Priority Date: 24 December 2008
Atty. Docket No.: 1625-225
For: POWER SUPPLY DEVICE

: DECISION ON PETITION
: UNDER 37 CFR 1.182

This is a decision on applicant's "PETITION UNDER 37 CFR 1.182" filed on 29 August 2011 in the United States Patent and Trademark Office.

BACKGROUND

On 22 December 2009, applicant filed international application PCT/JP2009/71284. The international application claimed priority to foreign application JP 2008-327675, filed 24 December 2008, and it designated the United States. On 07 January 2010, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the basic national fee in the United States was thirty months from the priority date, i.e., 24 June 2011.

On 29 March 2010, applicant filed materials requesting entry into the national stage in the United States including, among other materials, an application data sheet (ADS), a preliminary amendment, payment of the basic national fee, and the petition considered herein.

On 29 August 2011, the petition seeks to correct the priority claim for the benefit of a prior filed foreign application, JP 2008-327639, filed 24 December 2008. The foreign benefit claim is corrected in the ADS.

DISCUSSION

The present petition was filed under 37 CFR 1.182. However, there is no mechanism to correct a foreign claim in a U.S. national stage application under 35 U.S.C. 371, which is governed by 35 U.S.C. 365(b). Moreover, by its express terms, 37 CFR 1.78 pertains only to domestic benefit claims directed to prior-filed United States application or to international applications designating the United States. 37 CFR 1.78 is not applicable where, as here, an applicant is seeking to claim the benefit of a prior-filed foreign application.

37 CFR 1.55 is the applicable regulation for foreign priority claims. However, the petition procedures for adding a delayed foreign priority claim set forth in 37 CFR 1.55(c) are

not applicable in national stage applications such as the present application.[1] Rather, 37 CFR 1.55(a)(1)(ii) states that, in a national stage application filed under 35 U.S.C. 371, any claim of foreign priority must be made "within the time limit set forth in the PCT and the Regulations under the PCT." Here, a priority claim directed to foreign application JP 2008-327675 was not entered in the international application within the time limits set forth in the PCT. In view of the above, applicants' present petition cannot be considered under 37 CFR 1.55. The petition under 37 CFR 1.182 is dismissed.

Applicant is advised that the filing of a continuation application based upon the U.S. national stage application under 35 U.S.C. 371 is available to claim priority to the Japanese priority application. See MPEP 1895.01 and 201.13(b).

CONCLUSION

Based on the above, applicants' "Petition Under 37 CFR 1.182" is not applicable in the present application and is therefore **DISMISSED as moot**.

The foreign priority claim set forth in the ADS (directed to application JP 2008-327675, filed 24 December 2008) was not timely entered in international application PCT/JP2009/71284 and is therefore not properly entered in the present national stage application.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286

[1] Specifically, 37 CFR 1.55(c) does not apply to foreign priority claims under 35 U.S.C. 365(b), that is, a foreign priority claim made in an international application such as the claim applicant seeks to add herein.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

MAILED
APR 06 2012
OFFICE OF PETITIONS

In re Application of
Kimihiro Nishijima
Application No.: 12/680,693
Filed: March 29, 2010
Attorney Docket No.: P37558
For: POWER SUPPLY 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 November 17, 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 Terri Johnson at 571-272-2991.

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

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

David Bucci
Petitions Examiner
Office of Petitions

- 6 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

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

In re Application of SHAH et al.	:	DECISION ON
Application No.: 12/680,701	:	
PCT No.: PCT/US08/72914	:	PETITION UNDER
Int. Filing: 12 August 2008	:	
Priority Date: 13 August 2007	:	37 CFR 1.137(b)
Attorney Docket No: 030713.00011	:	
For: ABUSE RESISTANT DRUGS, METHOD OF USE AND METHOD OF MAKING	:	

The petition to revive under 37 CFR 1.137(b) filed 29 March 2010 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing, including, *inter alia*, issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MAILED

MAR 02 2011

PCT LEGAL ADMINISTRATION

Cheng Law Group, PLLC
1100 17th Street, N.W.
Suite 503
Washington DC 20036

In re Application of :
SHINOMIYA, Youichi, et al. :
Application No.: 12/680,730 : DECISION
PCT No.: PCT/JP2008/057811 :
Int. Filing Date: 23 April 2008 : ON PETITION UNDER
Priority Date: 23 April 2007 :
Docket No.: HOK-0506 : 37 CFR 1.137(b)
For: EXERCISE ASSISTING DEVICE :

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 29 March 2010 is **GRANTED**.

Applicant indicates 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 appropriate national fee and petition fee have been submitted. 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.

Applicant has supplied a declaration of inventorship. However, the declaration is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. A statement that the English text is an accurate translation of the Japanese or a new declaration is required. The surcharge for late filing of the search fee, examination fee or oath or declaration and the processing fee for late furnishing of the English translation will be charged to deposit account no. 50-4422, as authorized.

As applicant has not yet furnished a declaration in compliance with 37 CFR 1.497(a)-(b), the Notification of Acceptance (Form PCT/DO/EO/903) mailed 19 May 2010, issued in error and is hereby **VACATED**.

Applicant is required to comply with 37 CFR 1.69 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 further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 06 2011

PCT LEGAL ADMINISTRATION

Cheng Law Group, PLLC
1100 17th Street, N.W.
Suite 503
Washington DC 20036

In re Application of :
SHINOMIYA, Youichi, et al. :
Application No.: 12/680,730 :
PCT No.: PCT/JP2008/057811 : DECISION
Int. Filing Date: 23 April 2008 :
Priority Date: 23 April 2007 :
Docket No.: HOK-0506 :
For: EXERCISE ASSISTING DEVICE :

This decision is in response to applicants Response to Decision, filed in the United States Patent and Trademark Office on 01 April 2011.

On 02 March 2011, the Office mailed Decision, indicating that the declaration was not a USPTO form and included foreign language text. The decision requested either a new declaration or a statement under 37 CFR 1.69(b).

On 01 April 2011, applicants filed a response indicating that the 37 CFR 1.69(b) statement was part of the declaration.

The statement under 37 CFR 1.69(b) is acceptable. The 29 March 2010 declaration complies with 37 CFR 1.497(a)-(b).

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Doc Code: 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:	12/680,791	Filing date:	March 30, 2010
First Named Inventor:	John David Maltson		
Title of the Invention:	A Turbomachine		

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/EP2008/061508

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

September 01, 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.:	12/680,791
First Named Inventor:	John David Maltson

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 30, 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 30, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
10	1	US claim as per Preliminary Amendment filed 03/30/2010
11	2	US claim as per Preliminary Amendment filed 03/30/2010
12	3	US claim as per Preliminary Amendment filed 03/30/2010
13	4	US claim as per Preliminary Amendment filed 03/30/2010
14	5	US claim as per Preliminary Amendment filed 03/30/2010
15	6	US claim as per Preliminary Amendment filed 03/30/2010
16	7	US claim as per Preliminary Amendment filed 03/30/2010
17	8	US claim as per Preliminary Amendment filed 03/30/2010
18	9	US claim as per Preliminary Amendment filed 03/30/2010

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

Signature /Tina Gonka/	Date March 09, 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
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/680,791	03/30/2010	John David Malston	2006P01767WOUS	7670

22116 7590 03/10/2011

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
03/10/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:
MALSTON, JOHN DAVID et al	: DECISION ON REQUEST TO
Application No. 12/680,791	: PARTICIPATE IN PATENT
Filed: March 30, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2006P01767WOUS	: PILOT PROGRAM AND PETITION
For: TURBOMACHINE	: 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, 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 415/177 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

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.
12/680,811	03/30/2010	Terence Edward Weston	8567-1014US (07475)	7826

570 7590 09/14/2010

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER	
ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
09/14/2010	ELECTRONIC

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

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

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

usptomail@panitchlaw.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

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re Application of	:	
WESTON, TERENCE EDWARD	:	DECISION ON REQUEST TO
Application No. 12/680,811	:	PARTICIPATE IN PATENT
Filed: March 30, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 8567-1014US (07475)	:	PROGRAM AND PETITION
For: SAFETY NEEDLE	:	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 15, 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 Kevin Sirmon, the SPE of Art Unit 3767, and (571)272-4965 for Class 604/198 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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United States Patent and Trademark Office
P.O. Box 1450
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of
UMAYAHARA et al.
Application No.: 12/680,840
Filed: March 30, 2010
Attorney Docket No.: 14006/164
For: FUEL CELL SYSTEM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 1, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

Inquiries concerning this decision should be directed to JoAnne Burke 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.

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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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Tamotsu Kawamura et al	:	
Application No. 12/680,841	:	DECISION GRANTING PETITION
Filed: March 30, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 107439.00254	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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

MAILED

JUN 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HANATANI *et al* :
U.S. Application No.: 12/680,865 :
PCT No.: PCT/JP2008/069539 :
Int. Filing Date: 28 October 2008 :
Priority Date: 05 November 2007 :
Attorney Docket No.: 0033-1314PUS1 :
For: ELECTRONIC DEVICE FOR SEARCHING FOR ENTRY WORD IN DICTIONARY DATA, CONTROL METHOD THEREOF AND PROGRAM PRODUCT :

DECISION

This decision is in response to the document titled "Request for Reconsideration of Drawings" filed 31 August 2010. This document is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 30 March 2010, applicants filed papers to enter the national stage of PCT/JP2008/069539 which was accompanied by, *inter alia*, an English translation of the application and drawings.

On 12 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a processing fee and a new English translation was required as the current translation was defective. The text in the drawings was not properly translated. A two-month time limit in which to respond was set with extensions of time available under 37 CFR 1.136(a).

On 12 July 2010, applicants filed a transmittal letter (PTO-1390) and a copy of the Form PCT/DO/EO/905 mailed 12 May 2010.

On 18 August 2010, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) noting that an English translation and processing fee was still required. Applicants were given one month to respond or within the time remaining set forth by the Form PCT/DO/EO/905, whichever is longer.

On 31 August 2010, applicants filed the subject response requesting

reconsideration that the English translation of the drawings was defective.

DISCUSSION

Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in English. *See* 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c).

Here, the English translation provided with the national stage papers was not accepted as certain drawings contained foreign text. (Figs. 2, 5, 6, 9, 10, 11, 12, 15, 28). A new translation and $130.00 processing fee was requested by the Form PCT/DO/EO/905 on 12 May 2010.

In their response filed 12 July 2010, applicants authorized that any required fees be charged to Deposit Account No. 02-2448. Applicants did not claim that the drawings need not be translated. Accordingly, a Form PCT/DO/EO/916 requesting a new English translation was mailed 18 August 2010.

In the subject response, applicants argue that the foreign characters contained in the drawings should not be translated as they serve "to illustrate the invention and the manner in which it operates." Applicants point out that "the present invention is an electronic dictionary which assists a user in understanding information in what is, to the user, a foreign language."

A review of the subject application shows that the foreign text contained in the drawings is for illustrative purposes only (to show how the invention is to be used). As such, an English translation of the foreign characters contained in the drawings is not required.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 12 May 2010 and the Form PCT/DO/EO/916 mailed 18 August 2010 are both **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 October 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 30 March 2010.

This application is being forwarded to the DO/EO/US for further processing in

accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/680,885	03/30/2010	Brian Bergman	EMI-01/US	8783

23508 7590 02/21/2012
LUNDEEN & LUNDEEN, PLLC
2710 Louisiana
HOUSTON, TX 77006

EXAMINER	
FINK, BRIEANN R	

ART UNIT	PAPER NUMBER
1763	

NOTIFICATION DATE	DELIVERY MODE
02/21/2012	ELECTRONIC

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

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

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

ekonokat@aol.com
marcee@lpats.com
dan@lpats.com

UNITED STATES PATENT AND TRADEMARK OFFICE

wk

Mailed : 2/21/12

In re Application of : DECISION ON
Bergman et al. : PETITION
Serial No. 12/680,885 :
Filed: March 30, 2010 :
For: **TRIETHYLAMINE FUNCTIONALIZED ELASTOMER IN BARRIER APPLICATIONS**

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on September 30, 2011.

The Examiner on May 12, 2011 made a restriction requirement for claims 1-42 under lack of unity.

Group I, claims 1, 3, 7, 9-10, 19, 21 and 23 drawn to a vulcanizable rubber composition.

Group 2, claims 11, 13-14 and 17-18, drawn to an elastomer.

Group 3, claims 25, 27, 33-34, 36-38 and 42, drawn to a method for preparing the elastomer.

The Examiner asserts that even though the inventions of these groups require the technical feature of an elastomer comprising C4 to C7 isoolefin derived units, para-alkylstyrene derived units, para-(haloalkylstyrene) derived units and para-(triethylammoniumalkylstyrene) derived units having the triethylammoniumalkyl group pendant to the elastomer E, this technical feature is not a special technical feature as it does not make a contribution over the prior art in view of Hurwitz (US 4,093,567). The Examiner states that Hurwitz teaches copolymers of bis(chloromethyl)styrene and vinylbenzyl chloride with monomers such as styrene and isobutylene wherein the chloro groups are aminated with a tertiary amine, specifically triethylamine. The Examiner's position is that this combination reads on Applicants' claimed copolymer.

Applicants on April 26, 2011 elected, with traverse, to prosecute Group I.

In the initial non-final office action the Examiner made the following rejections:

Claims 1, 9-10 rejected under 35 USC 102(e) as being anticipated by Resendes as evidenced by Parent.

Claims 1, 3, 7, 9-10, 19, 21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Dias.

Claims 1, 3, 7, 9-10, 19, 21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Elspass in view of Resendes as evidenced by Soeda.

Applicants replied on July 12, 2011 and no claims were amended. The Examiner further states that assuming that Applicants are correct that "Hurwitz" does not read on the instant invention, any of the prior art references used in the 103 rejections can be used to show that applicants claimed technical feature is not a special technical feature. In the final rejection the 102 rejection was withdrawn and the following 35 USC 103 rejections made.

Claims 1, 3, 7, 9-10, 19-21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Dias.

Claims 1, 3, 7, 91-0, 19, 21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Elspass in view of Resendes as evidenced by Soeda.

Applicants request that the restriction requirement be vacated because a contribution over the prior art is established by Applicants' showing of prima facie novelty of the special technical feature, i.e., that they were not known from the prior art reference cited. Applicants further assert that the Final Office Action no longer maintains a 35 USC 102 rejection of any of the elected claims on the ground of Hurwitz or any other reference.

DECISION

As provided in 37 CFR 1.475(a), a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical

features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," is considered with respect to novelty and inventive step (rule 13.2; A1 Annex B, Part 1(b)). The Examiner in addition to initially citing a reference to demonstrate a lack of unity has also made an art rejections to the claims thereby demonstrating that the technical features claimed do not define a contribution over the prior art.

The petition is **DENIED.**

Under 37 CFR 41.31(a) (1), an applicant for a patent dissatisfied with the primary examiner's decision in the second rejection of his or her claims may appeal to the Board for review of the examiner's rejection by filing a notice of appeal and the required fee set forth in 37 CFR 41.20(b) (1) within the time period provided under 37 CFR 1.134 and 1.136.

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

Daniel N. Lundeen
LUNDEEN & LUNDEEN, PLLC
2710 Louisiana Street
HOUSTON TX 77006

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/680,989	Filing date:	July 16, 2010
First Named Inventor:	Joon Kui Ahn		
Title of the Invention:	FREQUENCY HOPPING PATTERN AND METHOD FOR TRANSMITTING UPLINK SIGNALS USING THE SAME		

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

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

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

The corresponding PCT application number(s) is/are: PCT/KR2008/005776

The international filing date of the corresponding PCT application(s) is/are: October 1, 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
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/680,989
First Named Inventor:	Joon Kui Ahn

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 21, 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 21, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 & 13	1	Sufficiently corresponds
2 & 14	2	Sufficiently corresponds
3 & 15	3	Sufficiently corresponds
4 & 16	4	Sufficiently corresponds
5 & 17	5	Sufficiently corresponds
6 & 18	6	Sufficiently corresponds
7 & 19	7	Sufficiently corresponds
8 & 20	8	Sufficiently corresponds
9 & 21	9	Sufficiently corresponds
10 & 22	10	Sufficiently corresponds
11 & 23	11	Sufficiently corresponds

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

Signature /Harry S. Lee/	Date January 10, 2011
Name (Print/Typed) Harry S. Lee	Registration Number 56,814

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.
12/680,989	07/16/2010	Joon Kui Ahn	2101-3805	1033

35884 7590 01/26/2011

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	ELECTRONIC

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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of: AHN, JOON KUI et al.
Application No. 12680989
Filed: July 16, 2010
For: FREQUENCY HOPPING PATTERN AND METHOD FOR TRANSMITTING UPLINK SIGNALS USING THE SAME

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

MAILED

JAN 26 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed January 10, 2011, to make the above-identified application special.

The petition is **DISMISSED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

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

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

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

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

The request to participate in the PCT-PPH program and petition fail to meet the requirement of items **(6)** and **(3)** above. With respect to item **(6)**, Applicant failed to submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application. With respect to item **(3)**, the claims correspondence table shows the following:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 & 13	1	Sufficiently corresponds
2 & 14	2	Sufficiently corresponds
3 & 15	3	Sufficiently corresponds
4 & 16	4	Sufficiently corresponds
5 & 17	5	Sufficiently corresponds
6 & 18	6	Sufficiently corresponds
7 & 19	7	Sufficiently corresponds
8 & 20	8	Sufficiently corresponds
9 & 21	9	Sufficiently corresponds
10 & 22	10	Sufficiently corresponds
11 & 23	11	Sufficiently corresponds

For each PCT claim there is a corresponding pair of claims in the U.S. application, a method claim and an apparatus claim. Since no copy of the PCT application claims is provided, a determination, of which claims sufficiently correspond and which do not, cannot be made. It is to be noted however that a method claim and an apparatus claim from the US application cannot sufficiently correspond to the same claim; the scope of a method claim is different from that of an apparatus claim.

Accordingly, the Petition is **DISMISSED**.

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

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

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/680,999	03/31/2010	Anton Wolf	30020-239US1	1172

80841 7590 08/05/2011

Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
08/05/2011	ELECTRONIC

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

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

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info@ORTPATENT.COM

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8/5/11

Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
Wolf	:	DECISION ON PETITION
Application No. 12/680,999	:	TO MAKE SPECIAL UNDER
Filed: 3/31/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **30020-239US1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 7/9/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register. Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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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OCT 18 2011
OFFICE OF PETITIONS

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

Applicant: Jussi Puura
Appl. No.: 12/681,012
International Filing Date: September 29, 2008
Title: METHOD, APPARATUS AND COMPUTER PROGRAM FOR ADJUSTING HYDRAULICALLY OPERATED BOOM
Attorney Docket No.: 47121-5066-00 (450494)
Pub. No.: 20100280668
Pub. Date: November 4, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on December 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 error wherein the preliminary amendment filed with the application on June 29, 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/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

MAILED

FEB 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KAHNE et al. :
Application No.: 12/681,052 : DECISION ON
PCT No.: PCT/US2008/078771 : PETITION
Int. Filing Date: 03 October 2008 : UNDER
Priority Date: 04 October 2007 : 37 CFR 1.182
Attorney Docket No.: H0824.70041US01 :
For: MOENOMYCIN ANALOGS, METHODS OF SYNTHESIS, AND USES THEREOF

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed 04 January 2011. Applicants are notifying the Office that the name of the second inventor is Suzanne Walker Kahne as indicated on the declaration rather than Suzanne Walker as indicated on the published international application.

In the published international application, the second inventor was identified as Suzanne Walker. On the declaration filed 30 September 2010, this inventor was identified as Suzanne Walker Kahne. With respect to corrections in an inventor's name, 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. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error.

In that this is clearly more than a mere typographical error, 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 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.

Here, applicants' submission included $400, satisfying the petition fee requirement. Additionally, applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the second inventor herein is Suzanne Walker Kahne, as set forth on the declaration filed 30 September 2010.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the second inventor herein is GRANTED.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/681,141		Yoshihiro FUJIOKA	OLI-125	2154

32628 7590 09/09/2010
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
09/09/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	**: DECISION ON REQUEST TO**
FUGIOKA et al.	**: PARTICIPATE IN THE PCT PATENT**
Application No.: 12/681,141	**: PROSECUTION HIGHWAY PILOT**
Filed: 01 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: OLI-125	**: TO MAKE SPECIAL UNDER**
For: WIND TURBINE GENERATOR	**: 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 02 July 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

Conditions (1), (2), (5) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3) and (6).

Regarding the requirement of conditions (3) (and (4)), applicant has not submitted a copy of the claims from the PCT, an English translation of the claims, or a statement that the English translation is accurate. Accordingly, it cannot be determined whether the claims of the instant application sufficiently correspond to the PCT claims.

Regarding the requirement of condition (6) applicant has not submitted an English translation of the international work product along with thereof and a statement that the English translation is accurate

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PCT.652. 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

Docket No.: OLI-125 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Yoshihiro FUJIOKA *et al.*	:	Confirmation No. 2154
U.S. Patent Application No. 12/681,141	:	Group Art Unit: 2839
Filed: April 1, 2010	:	Examiner: Not Yet Assigned

For: WIND TURBINE GENERATOR

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

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

Sir:

This is in response to the Notice dated September 9, 2010, the period for response to which is set to expire on October 12, 2010 (October 9, 2010 being a Saturday). Submitted herewith are the following:

- A copy of the claims from the PCT application that have novelty, inventive step, and industrial applicability
- An English Translation of the claims from the PCT application
- A statement that the English Translation of the PCT claims is accurate
- A copy of the Written Opinion of the International Search Authority (WO/ISR)
- An English Translation of the Written Opinion of the International Search Authority
- A Statement that the English Translation of the Written Opinion is accurate

Please charge any deficiencies in the enclosed fees to Deposit Account 11-0219 and direct any inquiries in connection with this application directly to the undersigned.

Respectfully submitted,

KANESAKA BERNER & PARTNERS, LLP

Kenneth M. Berner

Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 KMB/bjs
Facsimile: (703) 518-5499
October 12, 2010

【書類名】　　請求の範囲

【請求項１】

風車翼に風力を受けて回転するロータヘッドがナセルの内部に設置された発電機を駆動して発電し、前記ナセルが基礎上に立設されたタワーの上端部にヨー旋回可能に設置されるとともに、前記風車翼と前記ロータとの間に設置された翼旋回輪軸受を介して前記風車翼のピッチ角を調整可能とするピッチ制御機構を備えている風力発電装置において、

前記翼旋回輪軸受の外輪及び内輪が転動体を介在させて対向する転動体保持面の両端部にシール機構を取り付け、

前記シール機構の翼側が、シール部材間に空間部を設けて翼軸線方向に配置した二重シール構造とされ、前記空間部に加圧流体を供給して前記シール部材のリップを相手側壁面に押圧するように構成したことを特徴とする風力発電装置。

【請求項２】

前記加圧流体が前記ロータヘッド内に設置された専用の圧縮機から供給される圧縮空気であることを特徴とする請求項１に記載の風力発電装置。

【請求項３】

前記加圧流体が前記ロータヘッド内に設置された加圧タンクに畜圧されている圧縮空気であることを特徴とする請求項１に記載の風力発電装置。

{CLAIMS}

{Claim 1}

A wind turbine generator in which a rotor head has wind turbine blades, the rotor head rotates when the wind turbine blades receive wind power and drives a power generator disposed in a nacelle to generate electricity, the nacelle is disposed on an upper end of a tower that stands on a foundation such that the nacelle can yaw-slew, a blade rotating ring bearing is disposed between the wind turbine blade and the rotor, the wind turbine generator includes a pitch control mechanism that can adjust a pitch angle of the wind turbine blades, wherein

seal mechanisms are mounted on both ends of opposed rolling body holding surfaces of an outer race and an inner race of the blade rotating ring bearing with rolling bodies interposed between both the ends,

sides of the seal mechanisms closer to the blade are formed into a double sealed structure in which a space is provided between seal members and the seal members are disposed in an axial direction of the blade, pressurized fluid is supplied to the space, and lips of the seal members are pushed against a mating sidewall surface.

{Claim 2}

The wind turbine generator according to claim 1, wherein the pressurized fluid is compressed air supplied from a

special compressor disposed in the rotor head.

{Claim 3}

The wind turbine generator according to claim 1, wherein the pressurized fluid is compressed air accumulated in a pressure tank disposed in the rotor head.

DECLARATION

I, Mayumi OGURI, of OLIVE INTERNATIONAL PATENT OFFICE, 37F The Landmark Tower Yokohama, 2-2-1 Minatomirai, Nishi-ku, Yokohama 220-8137, Japan, understand both English and Japanese, am the translator of the submitted English translation of the claims from the PCT application No.PCT/JP2010/052032 that have novelty, inventive step, and industrial applicability, and do hereby declare and state

that the submitted English translation of the claims from the PCT application is an accurate English translation of the claims from the PCT application, and

that all statements made herein are true to the best of my knowledge.

Declared in Yokohama, Japan

This 30th day of September, 2010

Mayumi OGURI

特許協力条約

RECEIVED
'10.4.20
OLIVE INTERNATIONAL PATENT OFFICE

発信人　日本国特許庁（国際調査機関）

代理人
藤田　考晴
様

あて名
〒220-8137
日本国神奈川県横浜市西区みなとみらい２－２－１
横浜ランドマークタワー３７Ｆ

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）	２０．０４．２０１０
出願人又は代理人 の書類記号　2010-039H	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／ＪＰ２０１０／０５２０３２	（日.月.年）　１２．０２．２０１０	（日.月.年）

国際特許分類（ＩＰＣ）Int.Cl. F03D11/00(2006.01)i, F03D11/04(2006.01)i

出願人（氏名又は名称）
三菱重工業株式会社

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
１２．０４．２０１０

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） 尾崎　和寛	３Ｏ　８９２２
	電話番号　０３－３５８１－１１０１　内線　３３５８	

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００９年７月）

国際調査機関の見解書

国際出願番号 PCT／JP2010／052032

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、提出された以下の配列表に基づき見解書を作成した。

a．提出手段 ☐ 紙形式

☐ 電子形式

b．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、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、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／JP2010／052032

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）	請求項	1-3	有
	請求項		無
進歩性（ＩＳ）	請求項	1-3	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-3	有
	請求項		無

2． 文献及び説明

文献１：JP 2009-516118 A（ケイドン　コーポレイション）2009.04.16，全文、全図 & US 2007/0104577 A1 & WO 2007/061439 A2

文献２：US 3888357 A (RALPH L.Bauer;FRED E.Simpson) 1975.06.10，全文、全図 & JP 49-80756 A & FR 2206816 A1

請求項１－３に係る発明は、国際調査報告で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。

特に、請求項１に係る発明における、「翼側のシール機構が、シール部材間に空間部を設けて翼軸線方向に配置した二重シール構造とされ、前記空間部に加圧流体を供給して前記シール部材のリップを相手側壁面に押圧するように構成した」点は、国際調査報告で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。

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY (Japanese Patent Office)

To:

Attorney

Fujita Takaharu

37F The Landmark Tower Yokohama

2-2-1, Minatomirai, Nishi-ku, Yokohama

220-8137, JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	20. 04. 2010
Applicant's or agent's file reference 2010-039H	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/052032	12. 02. 2010	

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

F03D11/00(2006.01)i, F03D11/04(2006.01)i

Applicant

Mitsubishi Heavy 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 and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will 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/ Japanese Patent Office (ISA/JP) 4-3, Kasumigaseki 3-chome, Chiyoda-ku, Tokyo 100-8915 JAPAN	Date of completion of this opinion 12. 04. 2010	Authorized officer Ozaki Kazuhiro 3O 8922 Telephone No. 03-3581-1101 (ext. 3358)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/052032

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 sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/052032

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

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims	1-3	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2009-516118 A (Kaydon Corporation) 16 April 2009 (2009-04-16)
All document, All Drawings & US 2007/0104577 A1 & WO 2007/061439 A2

Document 2: US 3888357 A (RALPH L. Bauer; FRED E. Simpson)
10 June 1975 (1975-06-10), All document, All Drawings & JP 49- 80756 A
& FR 2206816 A1

The invention in Claims 1-3 are not described in any of documents cited in the International Search Report, it is not obvious for the person skilled in the art.
Especially, the matter of the invention in Claim 1 that "sides of the seal mechanisms closer to the blade are formed into a double sealed structure in which a space is provided between seal members and the seal members are disposed in an axial direction of the blade, pressurized fluid is supplied to the space, and lips of the seal members are pushed against a mating sidewall surface" is not described in any documents cited in the International Search Report, it is not obvious for the person skilled in the art.

DECLARATION

I, Mayumi OGURI, of OLIVE INTERNATIONAL PATENT OFFICE, 37F The Landmark Tower Yokohama, 2-2-1 Minatomirai, Nishi-ku, Yokohama 220-8137, Japan, understand both English and Japanese, am the translator of the submitted English translation of the Written Opinion of the International Searching Authority of No.PCT/JP2010/052032, and do hereby declare and state

that the submitted English translation of the Written Opinion of the International Searching Authority is an accurate English translation of the Written Opinion of the International Searching Authority, and

that all statements made herein are true to the best of my knowledge.

Declared in Yokohama, Japan

This 30th day of September, 2010

Mayumi OGURI

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.
12/681,141		Yoshihiro FUJIOKA	OLI-125	2154

32628 7590 11/18/2010

KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
11/18/2010	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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Alexandria, VA 22313-1450
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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	**: DECISION ON REQUEST TO**
FUGIOKA et al.	**: PARTICIPATE IN THE PCT PATENT**
Application No.: 12/681,141	**: PROSECUTION HIGHWAY PILOT**
Filed: 01 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: OLI-125	**: TO MAKE SPECIAL UNDER**
For: WIND TURBINE GENERATOR	**: 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 02 July 2010 and renewed 12 October 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

27 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
www.uspto.gov

Danaher Product ID
1500 Mittel Blvd
Wood Dale IL 60191

In re Application of	:	
TOMLIN et al.	:	
Application No.: 12/681,149	:	DECISION
PCT No.: PCT/US2008/079489	:	
Int. Filing Date: 10 October 2008	:	
Priority Date: 12 October 2007	:	
Attorney's Docket No.: D-790	:	
For: INK SUPPLY SYSTEM	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 04 May 2010 and applicants' petition under 37 CFR 1.137(b) filed 23 July 2010.

BACKGROUND

On 10 October 2008, applicant filed international application PCT/US2008/079489, which designated the U.S. and claimed a priority date of 12 October 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 16 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 April 2010.

On 01 April 2010, applicant filed, *inter alia*, a transmittal letter (Form PTO-1390) for entry into the national phase in the United States but did not file the U.S. Basic National Fee. The application became abandoned on midnight on 12 April 2010 as to the United States of America for failure to timely pay the U.S. Basic National Fee.

On 04 May 2010, applicant filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a statement of facts by Joseph A. Yosick with documents in support thereof

On 18 June 2010, a Notification was mailed indicating that the application was abandoned as to the United States of America for failure to timely pay the U.S. Basic National Fee.

On 23 July 2010, applicant filed a petition under 37 CFR 1.137(b).

DISCUSSION

Petition Under 37 CFR 1.137(b)

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 23 July 2010.

As to item (2), applicant submitted the petition fee on 23 July 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.

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

Items (1) and (3) have been met.

Item (2) has not been met. It is not clear whether it is being alleged that Matthew TOMLIN refuses to execute the application or that he cannot be reached after diligent effort. The two are distinct. *See, e.g.,* MPEP 409.03(d), item I. "Inventor Cannot Be Reached" and item II. "Refusal to Join."

Refusal to Join

If it is being alleged that Mr. Tomlin refuses to sign, it must be established that he was presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented

with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it is not clear that Mr. Tomlin was presented with a copy of the specification including claims and drawings. Although the declaration of facts by Mr. Yosick indicates that a copy of the application was sent to Mr. Tomlin in December 2008, no evidence in support of this statement has been provided. Additionally, while the 01 April 2010 communication appears to have included the application papers (letter from Mr. Yosick to Mr. Tomlin dated 01 April 2010), this correspondence was not received by Mr. Tomlin (copy of Detailed Results for FedEx Tracking no. 798532672963).

Inventor Cannot Be Reached

If it is being alleged that Mr. Tomlin 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.

A statement of facts by a person having firsthand knowledge of the steps taken to locate the whereabouts of Mr. Tomlin has not been provided.

Item (4) has not been met. The declaration of inventors filed 04 May 2010 is not sufficient because it is an improper composite declaration, consisting of one first page and two second pages. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents. See also MPEP § 201.03, item II.B. It is also noted that the declaration of inventors filed 04 May 2010 is a declaration under PCT Rule 4.17(iv) but this declaration does not appear to have been filed during the international stage.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b) has been **GRANTED**.

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

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

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

/Daniel Stemmer/

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

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United States Patent and Trademark Office
P.O. Box 1450
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20350
TOWNSEND AND TOWNSEND AND CREW, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MOSES *et al* :
Application No.: 12/681,165 :
PCT No.: PCT/US2008/011335 :
Int. Filing Date: 30 September 2008 : **DECISION**
Priority Date: 04 October 2007 :
Attorney's Docket No.: 027512-000400US :
For: CONTROL OF A LASER INERTIAL :
CONFINEMENT FUSION-FISSION :
POWER PLANT :

This decision is in response to the "Communication re Inventorship" filed 24 August 2010 which is treated as a petition under 37 CFR 1.48(f)(1).

BACKGROUND

On 24 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 24 August 2010, applicants filed the subject response under 37 CFR 1.48(f)(1) to remove four inventors and to add another inventor in the above-captioned application. This response was accompanied by an Application Data Sheet, a $130.00 surcharge fee, and an executed declaration listing three inventors.

DISCUSSION

Applicants request to revise the inventorship of the above-identified application pursuant to 37 CFR 1.48(f)(1) by deleting Thomas Diaz DE LA RUBIA, Joseph C. FARMER, Eric K. STORM, and Ryan P. ABBOTT as inventors, and to add Kevin J. KRAMER as an inventor.

Applicants explain that the entry of the preliminary amendment resulted in "fewer than all of the inventors originally listed in the original filing are actual inventors of the invention now being claimed. In addition, one individual, not previously listed as an

inventor, is an actual inventor of the inventions being claimed."

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) and (b). 37 CFR 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371. *See* 37 CFR 1.41(a)(4).

If the inventorship was incorrectly listed during the international phase, a petition under 37 CFR 1.497(d) would be appropriate. If however, the inventorship stated in the application is accurate for the international application, applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons noted above, applicants' petition under 37 CFR 1.48(f)(1) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2010

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

DANAHER PRODUCT ID
1500 MITTEL BLVD
WOOD DALE, IL 60191

In re Application of TOMLIN et al	:	
U.S. Application No.: 12/681,198	:	
PCT Application No.: PCT/US2008/079503	:	DECISION
Int. Filing Date: 10 October 2008	:	
Priority Date Claimed: 12 October 2007	:	
Attorney Docket No.: D-792	:	
For: INK SUPPLY SYSTEM	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 04 May 2010 and petiton under 37 CFR 1.137(b) filed 23 July 2010.

BACKGROUND

On 10 October 2008, applicant filed international application PCT/US2008/079503, which claimed priority of an earlier United Kingdom application filed 12 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2010.

On 01 April 2010, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 April 2010, international application PCT/US2008/079503 became abandoned as to the United States for failure to timely pay the basic national fee.

On 04 May 2010, applicant filed the present petition under 37 CFR 1.47(a).

On 23 July 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

I. Petition Under 37 CFR 1.137(b)

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.

II. Petition Under 37 CFR 1.47(a)

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,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which

> the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition fails to state whether inventor Matthew Tomlin cannot be found or refuses to sign. Petitioner has presented documentary evidence of a single attempt to reach inventor Tomlin by mail (see Exhibit A). Since the correspondence was not successfully delivered to inventor Tomlin, it would not be reasonable to conclude that he refuses to sign papers he never received. Furthermore, it would not be reasonable to conclude that inventor Tomlin cannot be reached absent evidence of additional attempts to locate him, e.g. by telephone, by electronic mail, by searching directories, and by contacting his former co-workers.

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 set forth in §I above, the petition under 37 CFR 1.137(b) is GRANTED.

For the reasons set forth in §II above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition under 37 CFR 1.47(a) is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of

time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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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.
12/681,230	04/20/2010	Hidemitsu Nakagawa	Q118252	2809

23373 7590 03/29/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
1747	

NOTIFICATION DATE	DELIVERY MODE
03/29/2011	ELECTRONIC

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

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

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

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

CST

March 28, 2011

In re application of	:	DECISION ON REQUEST TO
Hidemitsu Nakagawa	:	PARTICIPATE IN PATENT
Serial No. 12/681,230	:	PROSECUTION HIGHWAY
Filed: April 20, 2010	:	PROGRAM AND
For: PNEUMATIC TIRE	:	PETITION TO MAKE SPECIAL
FOR MOTORCYCLE	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 4, 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

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

PTO/SB/420 (12-09)
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: KUD-033	Application Number (if known): 12/681,261	Filing date: April 1, 2010

First Named Inventor: Mitsuya BABA

Title: WIND TURBINE GENERATOR AND START-UP METHOD OF THE SAME

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

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

1. By filing this petition:

   <u>Applicant is requesting early publication</u>: 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. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

   If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

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 requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that 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 /Benjamin J. Hauptman/	Date March 10, 2011
Name (Print/Typed) Benjamin J. Hauptman	Registration Number 29,310

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

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/420 (12-09)
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.

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 notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html):*

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

(2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.

(3) 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.

(4) 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 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 cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.

(5) 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 will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(6) 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.

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/681,261	08/13/2010	Mitsuya Baba	KUD-033	2968

32628 7590 09/30/2011

KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
09/30/2011	PAPER

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

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

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

SEP 30 2011

In re Application of :
Mitsuya BABA :
Application No. 12/681261 :
Filed: August 13, 2010 :
Attorney Docket No. KUD-033 :

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 on March 10, 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
Quality Assurance Specialist
Technology Center 2800

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

MAILED

JUL 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
JENSEN *et al* :
U.S. Application No.: 12/681,265 :
Filing Date: April 1, 2010 :
Attorney's Docket No.: 4436-0282PUS1 :
For: ADAPTIVE FEEDBACK CANCELLATION BASED ON INSERTED AND/OR INTRINSIC CHARACTERISTICS AND MATCHED RETRIEVAL :

DECISION

This decision is in response to the petition under 37 CFR 1.182 to convert the subject national stage application to a 35 U.S.C. 111(a) application filed May 11, 2011.

BACKGROUND

On April 1, 2010, applicants entered the national stage of PCT/EP2009/053920 (international filing date April 2, 2009) using the USPTO EFS-Web system. Applicants also claimed priority to U.S. Provisional Application No. 61/245,679, filed September 25, 2009.

On March 17, 2011, a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and filing receipt was mailed. The priority claim of U.S. Provisional Application No. 61/245,679 was not included in the filing receipt.

On May 11, 2011, applicants filed the subject petition to convert to a 35 U.S.C. 111(a) application which was accompanied by, *inter alia*, a $400.00 petition fee.

DISCUSSION

Applicants request to convert the above-captioned national stage application to a filing under 35 U.S.C. 111(a) to avoid a loss of rights.

The $400.00 petition fee has been paid.

Applicants claim that their intention was to file a "By-Pass" Continuation Application claiming priority to PCT/EP2009/053920, filed April 2, 2009 and U.S. Provisional Application No. 61/245,679, filed September 25, 2009. The provisional

application was filed after the filing of the international application and included additional subject matter to the international application.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (loss of patent rights), where no other remedy is available.

In the present case, applicants have provided such a showing to warrant conversion.

Applicants should note, however, that the grant of the petition to convert does not entitle applicants to benefit under 35 U.S.C. §§120 and 365(c) to the filing date of the international application. To obtain such benefit, a petition under 37 CFR 1.78(a)(3) is required.

CONCLUSION

For the above reasons, the petition to convert the national stage filing into a filing under 35 U.S.C. §111(a) is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for processing the present application as a filing under 35 U.S.C. §111(a) with a filing date of April 1, 2010.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3302

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

MAILED

NOV 02 2011

PCT LEGAL ADMINISTRATION

In re Application of :
JENSEN *et al* :
U.S. Application No.: 12/681,265 :
Filing Date: April 1, 2010 :
Attorney's Docket No.: 4436-0282PUS1 :
For: ADAPTIVE FEEDBACK :
CANCELLATION BASED ON :
INSERTED AND/OR INTRINSIC :
CHARACTERISTICS AND MATCHED :
RETRIEVAL :

DECISION

This is a decision on the petition under 37 CFR 1.78(a)(3) filed August 10, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to PCT/EP2009/053920, filed on April 2, 2009.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and did not include a reference to the prior applications, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior applications. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.78(a)(2)(ii) and 37 CFR 1.55(a)(1)(I), this is a proper petition under the provisions of 37 CFR 1.78(a)(3) and 37 CFR 1.55(c).

A petition under 37 CFR 1.78(a)(3) must be accompanied by:

> (1) The reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
> (2) The surcharge set forth in § 1.17(t); and
> (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The subject petition does not comply with items (1) and (3).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional or international application designating the U.S. applications must contain or be amended to contain a reference to each such

prior-filed application, identifying it by application number and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional or international application. In this case, the amendment does not identify the relationship of the prior filed international application filed on April 2, 2009 to the instant application.

Moreover, the reference to add the prior-filed international application is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a substitute amendment (complying with 37 CFR 1.121) stating the relationship of the prior-filed international application to the instant application, or an Application Data Sheet is required. In addition, the improper incorporation by reference statement must be removed.

With regards to item (3), the statement provided references 37 CFR 1.55(a)(1). The subject petition is filed under 37 CFR 1.78(a)(3). A new statement is also required.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571) 273-04559, or if mailed 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.

Any questions concerning this matter may be directed to James Thomson at (571) 272-3302.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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Falls Church, VA 22040-0747

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PCT LEGAL ADMINISTRATION

In re Application of :
JENSEN *et al* :
U.S. Application No.: 12/681,265 :
Filing Date: April 1, 2010 :
Attorney's Docket No.: 4436-0282PUS1 :
For: ADAPTIVE FEEDBACK :
CANCELLATION BASED ON :
INSERTED AND/OR INTRINSIC :
CHARACTERISTICS AND MATCHED :
RETRIEVAL :

DECISION

This is a decision on the renewed petition under 37 CFR § 1.78(a)(3) filed November 23, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to PCT/EP2009/053920, filed on April 2, 2009.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, a petition under 37 CFR 1.78(a)(3) must be accompanied by:

> (1) The reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
> (2) The surcharge set forth in § 1.17(t); and
> (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

With regards to item (1) above, applicants provided a substitute amendment to the specification in compliance with 37 CFR 1.121 that properly states the relationship of the prior-filed international application to the subject application. The improper

incorporation by reference statement has also been removed. Item (2) was previously satisfied. With regards to item (3), a new statement was provided as required.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3), the petition is granted.

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

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

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

This matter is being referred to Technology Center Art Unit 2614 for appropriate action on the amendment filed November 23, 2011, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

MAR 23 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
FRIDE (Deceased)	:	DECISION ON
Application No.: 12/681,273	:	
PCT No.: PCT/IL08/01314	:	REQUEST
Int. Filing Date: 02 October2008	:	
Priority Date: 02 October 2007	:	UNDER 37 CFR 1.42
Attorney Docket no.: 41278-501N01US	:	
For: ENDOCANNABINOIDS FOR ENHANCING GROWTH AND DEVELOPMENT	:	

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 10 November 2010. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 01 April 2010, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 17 May 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 10 November 2010, applicant filed a response to the Notification of Missing Requirements along with a declaration executed by the legal representative of the deceased inventor and by the joint inventors.

DISCUSSION

To meet the requirements for compliance with 37 CFR 1.497(a) and (b), the declaration must state the relationship and the country of citizenship for all inventors, including the deceased

inventor and his legal representative. In addition, the declaration must provide the residency and mailing address for all inventors, including the deceased inventor and the legal representative.

A review of the declaration submitted on 10 November 2010 reveals it identifies Ayala POLAK-MOSHE as the legal representative of the deceased inventor Ester FRIDE and states the relationship, country of citizenship, residency and mailing address for the legal representative, the deceased inventor and the joint inventors. The declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The declaration executed by the legal representative for deceased inventor submitted on 10 November 2010 is accepted as a proper declaration under 37 CFR 1.497(a) and (b) and 1.42.

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 10 November 2010.

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

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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United States Patent and Trademark Office
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JAN 18 2011

PCT LEGAL ADMINISTRATION

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of :
HODSON, Peter D., et al. :
Application No.: 12/681,280 : DECISION
PCT No.: PCT/US2008/078549 :
Int. Filing Date: 02 October 2008 : ON PETITION UNDER
Priority Date: 05 October 2007 :
Docket No.: 63635US005 : 37 CFR 1.47(a)
For: METERED DOSE VALVE :

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 15 November 2010.

BACKGROUND

On 15 June 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 15 November 2010, applicants filed a petition under 37 CFR 1.47(a), a declaration of the inventors, the surcharge fee and the fee for a 3 month extension of time.

On 19 November 2010, the Office mailed Notification of Acceptance and filing receipt indicating that the application had satisfied the requirements of 35 USC 371(c)(1), (c)(2) and (c)(4) on 15 November 2010.

DISCUSSION

This application has not yet satisfied the requirements of 35 USC 371. The Notification of Acceptance and Filing Receipt issued in error. They are vacated.

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

Item (1), (3) and (4) have been met. The petition fee has been paid. Applicants state the last known address of Paul A. Charnock as 67 Cornelian Street; Blackburn, Lancashire BB1 9AW; United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. It is not clear on the record that the inventor was presented with a complete copy of the application papers, including the declaration. A refusal to execute a declaration, absent presentation with a complete copy of the application papers is not normally sufficient. Further, documentary evidence of the presentation should be submitted, including copies of the letters sent to the inventor and identification of what was included in the packages. The statement should be provided by someone with firsthand knowledge of the preparation of the packages.

CONCLUSION

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

The Notification of Acceptance and Filing Receipt that issued on 19 November 2010 are **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. 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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United States Patent and Trademark Office
P.O. Box 1450
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MAY 12 2011

PCT LEGAL ADMINISTRATION

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of :
HODSON, Peter D., et al. :
Application No.: 12/681,280 :
PCT No.: PCT/US2008/078549 :
Int. Filing Date: 02 October 2008 :
Priority Date: 05 October 2007 :
Docket No.: 63635US005 :
For: METERED DOSE VALVE :

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 15 March 2011.

BACKGROUND

On 18 January 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 15 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), (3) and (4) have been met. The petition fee has been paid. Applicants state the last known address of Paul A. Charnock as 67 Cornelian Street; Blackburn, Lancashire BB1 9AW; United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Applicants state that a package containing a complete copy of the application papers, including the declaration were delivered to the non-signing inventor on 28 February 2011. However, this petition was filed only 15 days after the inventor received the letter. One month is considered a reasonable period for reply.

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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SEP 02 2011

PCT LEGAL ADMINISTRATION

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of	:	
HODSON, Peter D., et al.	:	
Application No.: 12/681,280	:	DECISION
PCT No.: PCT/US2008/078549	:	
Int. Filing Date: 02 October 2008	:	ON PETITION UNDER
Priority Date: 05 October 2007	:	
Docket No.: 63635US005	:	37 CFR 1.47(a)
For: METERED DOSE VALVE	:	

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 05 July 2011.

BACKGROUND

On 12 May 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 05 July 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), (3) and (4) have been met. The petition fee has been paid. Applicants state the last known address of Paul A. Charnock as 67 Cornelian Street; Blackburn, Lancashire BB1 9AW; United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has now been satisfied.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **19 November 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Alexandria, VA 22313-1450
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SEP 02 2011

PCT LEGAL ADMINISTRATION

Paul A. Charnock
67 Cornelian Street
Blackburn, Lancashire BB1 9AW
United Kingdom

In re Application of
HODSON, Peter D., et al.
Application No.: 12/681,280
PCT No.: PCT/US2008/078549
Int. Filing Date: 02 October 2008
Priority Date: 05 October 2007
Docket No.: 63635US005
For: METERED DOSE VALVE

Dear Mr. Charnock:

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

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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P.O. BOX 50784
DALLAS, TX 75201

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OFFICE OF PETITIONS

In re Application of Thomas Henry Bell :
Application No. 12/681,315 :
Int'l Filing Date: October 3, 2008 :
Attorney Docket No. 51026-P015WOUS :
Pub. No.: US 2010/0306911 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 January 31, 2011.

The request is **dismissed**.

Applicant requests the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistakes identified in the instant request are not material Office mistakes as required under 37 C.F.R. § 1.1221(b). Specifically, the mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent

[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* MPEP § 1130.

application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). 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

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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.
12/681,322	04/01/2010	Ken Yasuhara	SAT-19871	3286

40854 7590 08/06/2010

RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY, OH 44094-7808

EXAMINER	
ART UNIT	PAPER NUMBER
3771	

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):

40854@rankinhill.com
spaw@rankinhill.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY OH 44094-7808

In re Application of:	:	DECISION ON REQUEST TO
YASUHARA, KEN et al	:	PARTICIPATE IN PATENT
Serial No.: 12/681,322	:	PROSECUTION HIGHWAY
Filed: April 1, 2010	:	(PPH) AND PETITION TO
Docket: SAT-19871	:	MAKE SPECIAL UNDER 37
Title: MOTION ASSIST DEVICE	:	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 1, 2010, to make the above-identified application special.

The request and petition are GRANTED.

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

(1) The U.S. application must 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.

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 Justine Yu, the SPE of Art Unit 3771, and 571-272-4835 for Class 601/35 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/681,324	04/01/2010	Yong Kown Kim	507816	3295

30567 7590 07/27/2011

Levenfeld Pearlstein, LLC
Intellectual Property Department
2 North LaSalle
Suite 1300
Chicago, IL 60602

EXAMINER	
ART UNIT	PAPER NUMBER
3737	

NOTIFICATION DATE	DELIVERY MODE
07/27/2011	ELECTRONIC

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

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

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

IPDOCKET@LPLEGAL.COM

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Alexandria, VA 22313-1450
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Levenfeld Pearlstein, LLC
Intellectual Property Department
2 North LaSalle
Suite 1300
Chicago IL 60602

In re Application of:
KIM, YONG KOWN, et al
Serial No.: 12/681324
Filed: 04/01/2010
Attorney Docket No. : 507816
Title: THYROID UPTAKE MEASUREMENT APPARATUS

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

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

The request and petition are **dismissed**.

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

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

The request to participate in the PPH program and petition met all conditions except Item #2 and #5 above.

The request to participate in the PPH program and petition failed to include a copy of the KIPO allowed claims. Applicant asserts in the petition that a copy of allowable claims and applicable office actions from the KIPO application are attached to the petition. The record indicates, however, only a copy of allowable claims without a statement that the English translation is accurate. Even assuming the applicant is correct in asserting that the U.S. application claims 6-9 are identical to the allowable KIPO claims (which will satisfy Item #3), the applicant still needs to submit a copy of the allowable claims from the KIPO application for review as well as applicable KIPO office actions.

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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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.
12/681,324	04/01/2010	Yong Kown Kim	507816	3295

30567 7590 08/08/2011

Levenfeld Pearlstein, LLC
Intellectual Property Department
2 North LaSalle
Suite 1300
Chicago, IL 60602

EXAMINER	
ART UNIT	PAPER NUMBER
3737	

NOTIFICATION DATE	DELIVERY MODE
08/08/2011	ELECTRONIC

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

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

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

IPDOCKET@LPLEGAL.COM

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Alexandria, VA 22313-1450
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Levenfeld Pearlstein, LLC
Intellectual Property Department
2 North LaSalle
Suite 1300
Chicago IL 60602

In re Application of: KIM, YONG KOWN Serial No.: 12/681324 Filed: April 1, 2010 Attorney Docket No. : 507816 Title: THYROID UPTAKE MEASUREMENT APPARATUS	: DECISION ON A REQUEST TO : PARTICIPATE IN PATENT : PROSECUTION HIGHWAY : PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 4, 2011 to make the above-identified application special.

The request and petition are **granted.**

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

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

A previous decision on the instant petition was mailed on July 27, 2011. The decision stated that the petition did not meet Item #2 and Item #5 because a copy of the KIPO allowed claims was not submitted with the statement that the English translation is accurate. Furthermore, the decision stated that the KIPO office actions were not submitted.

In light of the August 3, 2011 telephone conversation and Applicant's request for reconsideration, the request to participate in the PPH program and the petition comply with the above requirements. Applicant has corrected the deficiencies in a timely manner within the given one month period. Accordingly, the above-identified application has been accorded "special" status.

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/681,329	04/01/2010	Ken Yasuhara	SAT-19843	3313

40854 7590 08/06/2010
RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY, OH 44094-7808

EXAMINER	
ART UNIT	PAPER NUMBER
3771	

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):

40854@rankinhill.com
spaw@rankinhill.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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RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY OH 44094-7808

In re Application of	:	
YASUHARA, KEN et al	:	DECISION ON REQUEST TO
Application No. 12/681,329	:	PARTICIPATE IN PATENT
Filed: April 1, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. SAT-19843	:	PROGRAM AND PETITION
Title: MOTION ASSIST DEVICE	:	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 30, 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.

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 Ms. Justine Yu, the SPE of Art Unit 3771, and 571-272-4835 for Class 601/33 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/681,332	04/01/2010	Hichirosai Oyobe	145116	3341

25944 7590 03/02/2011

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

EXAMINER	
ASSOUAD, PATRICK J	

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
03/02/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of
OYOBE et al.
Application No.: 12/681,332
Filed: 01 April 2010
Attorney Docket No.: 145116
For: ELECTRICAL POWERED VEHICLE AND POWER FEEDING DEVICE FOR 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 25 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

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

Regarding the requirement of condition (6), applicant has failed to submit an IDS listing all the documents cited by the JPO examiner in the JPO office action. It appears the only two of the reference cited in the JPO action have been listed on an IDS and copies provided. The citation of patent family documents does not satisfy this requirement.

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.
12/681,332	04/01/2010	Hichirosai Oyobe	145116	3341

25944 7590 03/23/2011

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

EXAMINER	
ASSOUAD, PATRICK J	
ART UNIT	**PAPER NUMBER**
2858	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of
OYOBE et al.
Application No.: 12/681,332
Filed: 01 April 2010
Attorney Docket No.: 145116
For: ELECTRICAL POWERED VEHICLE AND POWER FEEDING DEVICE FOR 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 25 January 2011, to make the above-identified application special.

The prior decision of 05 March 2011 is whereby **VACATED**.

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.

The references cited in the JPO action were provided by applicant in the IDS filed 01 April.

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.
12/681,364	04/01/2010	Tomoyuki Kudoh	10050621WOUS01	3739

34904 7590 08/18/2010

CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER	
JONES, JAMES	

ART UNIT	PAPER NUMBER
2873	

NOTIFICATION DATE	DELIVERY MODE
08/18/2010	ELECTRONIC

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

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

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

IPDocketing@cda.canon.com
mklein@cusa.canon.com
skalminov@cusa.canon.com

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE CA 92618-3731

In re Application of	**: DECISION ON REQUEST TO**
TOMOYUKI KUDOH	**: PARTICIPATE IN THE PATENT**
Application No.: 12/681,364	**: PROSECUTION HIGHWAY**
Filed: 01 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 10050621WOUS01	**: TO MAKE SPECIAL UNDER**
For: LENS APPARATUS AND IMAGING APPARATUS	**: 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 07 July 2010 and renewed 12 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;

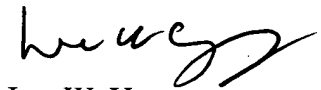
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application 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

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: J200U001US05	Application Number (if known): 12/681,375	Filing date: 10/6/2008 (PCT) 4/1/2010 (US Natl)

First Named Inventor: KENNEDY, Daniel Ian, et al

Title: System and Method for Provisioning Energy Systems

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: Transmittal letter

Signature /christinejohnson38507/	Date 10/28/2010
Name (Print/Typed) Christine Johnson	Registration Number 38507

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

☑ *Total of 1 forms are submitted.

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

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

34182
Christine Johnson Esq.
151 Trenton Road
Fairless Hills, PA 19030

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KENNEDY *et al* :
U.S. Application No.: 12/681,375 :
PCT No.: PCT/US2008/079003 :
Int. Filing Date: 06 October 2008 :
Priority Date: 04 October 2007 :
Docket No.: J200U001US05 :
For: SYSTEM AND METHOD FOR :
PROVISIONING ENERGY SYSTEMS :

DECISION

This is a decision on the response filed 17 October 2010.

BACKGROUND

On 17 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 20 July 2010, applicants submitted an executed declaration.

On 03 August 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) because one of the inventor's name did not match the name recorded on the international publication, and an inventor signed the declaration wrong. Applicants were given one month to respond, or any time remaining in the Form PCT/DO/EO/905, whichever was longer.

On 17 October 2010, applicants filed the instant response which was accompanied by, *inter alia*, a three-month extension and $555.00 extension fee.

DISCUSSION

In the subject response, applicants contend that the electronic signature by co-inventor, Daniel Ian Kennedy is proper. Applicants are correct. The signature of Mr. KENNEDY is acceptable.

Applicants' also state that the correct spelling of the other co-inventor listed on

the Form PCT/DO/EO/916 is Andrew BIRCH, which is recorded on the declaration filed 20 July 2010. Applicants assert that the discrepancy between the name of the inventor recorded in the international application and the name recorded in the above-captioned national stage application was due to a "typographical error." As such, no further action is required.

Section 1893.01(e) of the MPEP states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error. A review of the international application shows that the name of the inventor on the PCT Request was listed as Andrew Birch LU. This discrepancy is considered a **clerical** error, not a **typographical** error.

A petition under 37 CFR 1.182 is required to correct the name of the inventor in the international application.

CONCLUSION

Applicants' response to the Form PCT/DO/EO/916 is **DISMISSED** without prejudice.

In addition, the declaration filed 20 July 2010 is a five-page declaration containing two last pages. As such, the declaration is considered a composite declaration and is not acceptable. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). *See* MPEP 605.04(a). Applicants must provide a complete copy of each declaration signed by each inventor.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. **Failure to timely respond to this decision will result in the abandonment of the application.**

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

34182
Christine Johnson Esq.
151 Trenton Road
Fairless Hills, PA 19030

MAILED

APR 29 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KENNEDY *et al* :
U.S. Application No.: 12/681,375 :
PCT No.: PCT/US2008/079003 :
Int. Filing Date: 06 October 2008 : **DECISION**
Priority Date: 04 October 2007 :
Docket No.: J200U001US05 :
For: SYSTEM AND METHOD FOR :
PROVISIONING ENERGY SYSTEMS :

This decision is in response to the petition under 37 CFR 1.182 filed 04 March 2011.

BACKGROUND

On 13 January 2011, a decision was mailed dismissing applicants' response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 03 August 2010. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 04 March 2011, applicants filed a petition under 37 CFR 1.182 along with a $400.00 petition fee.

On 08 April 2011, a Notice of Abandonment was mailed for failure to timely reply to the Decision mailed 13 January 2011.

On 13 April 2011, applicants filed a complete copy of the declaration executed by each inventor along with a one-month extension and $65.00 extension fee.

DISCUSSION

The Decision mailed 13 January 2011 authorized applicants two months to respond with extensions of time available under 37 CFR 1.136(a).

The time period to reply had not yet expired.

As such, the Notice of Abandonment mailed 08 April 2011 was sent in error, and is hereby **VACATED**.

Petition Under 37 CFR 1.182

Applicants state that the international application erroneously recorded the name of an inventor as Andrew Birch LU in the international application due to a clerical error. Applicants speculate that this error is believed to have occurred during data entry. Applicants request that the name be corrected to Andrew BIRCH.

This explanation is sufficient for a grantable petition.

CONCLUSION

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

The inventor's name has been corrected to Andrew BIRCH. The declaration filed 13 April 2011 is 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 06 October 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 April 2011.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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.
12/681,375	04/13/2011	Daniel Ian Kennedy	J200U001US05	3854

34182 7590 07/06/2011

CHRISTINE JOHNSON ESQ.
151 Trenton Rd.
Fairless Hills, PA 19030

EXAMINER	
ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
07/06/2011	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

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P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTINE JOHNSON ESQ.
151 Trenton Rd.
Fairless Hills PA 19030

In re Application of	:	
KENEDY et al.	:	DECISION ON PETITION
Application No. 12/681,375	:	TO MAKE SPECIAL UNDER
Filed: April 13, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. J200U001US05	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on October 28, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

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

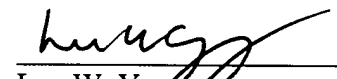
The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 8.
In regard to item 8, applicant has failed to include the publication fee as set forth in 37 CFR 1.18(d). It is noted that applicant has paid to fee for a request for voluntary publication (fee code 1803) instead of the fee for early publication (fee code 1504).

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

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

The application is being forwarded to the Technology Center Art Unit 2628 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

30 AUG 2010

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

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of:
SHOKO, Toshikatsu., et al.
U.S. Application No.: 12//681,484
PCT No.: PCT/JP2008/068257
International Filing Date: 01 October 2008
Priority Date: 05 October 2007
Attorney's Docket No.: AK-559XX
For: METHOD AND APPARATUS FOR CONTROLLING PARTICLE DIAMETER AND PARTICLE DIAMETER DISTRIBUTION OF EMULSION PARTICLES IN EMULSION

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 21 May 2010 of a declaration executed on behalf of deceased inventor Shozo HAYASHI by the deceased inventor's heiress Hideko Hayashi, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 01 October 2008, applicants filed international application PCT/JP2008/068257. The international application claimed a priority date of 05 October 2007, and it designated the United States. On 09 April 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., 05 April 2010.

On 02 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, an English translation of the international application and payment of the basic national fee.

On 11 May 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 21 May 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the

three surviving inventors and on behalf of deceased inventor Shozo HAYASHI by the deceased inventor's heiress Hideko Hayashi. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

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

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

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

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 21 May 2010 includes the required citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, as well as the required citizenship of the deceased inventor. The declaration also states the relationship of the person signing to the deceased inventor: "heiress of Shozo Hayashi." However, neither the declaration nor any materials submitted therewith expressly states that the heiress list on the declaration is the sole heir of the deceased inventor.

Applicants must provide a statement and/or supporting documentation confirming that the person executing the declaration on behalf of the deceased inventor is the only heir of the deceased inventor and that no legal representative is required to be appointed for the deceased inventor by law. Until such materials are provided, the declaration may not be accepted under 37 CFR 1.42 and 1.497.

It is noted that, if additional heirs exist, or if a legal representative is required to be appointed by law, then a revised declaration properly executed on behalf of the deceased inventor by all the heirs or the legal representative must be provided.

CONCLUSION

The request for status under under 37 CFR 1.42 with respect to deceased inventor Shozo Hayshi is **REJECTED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date this communication to submit a proper response under 37 CFR 1.42 and 1.497. A proper response must include a statement and/or supporting documentation confirming that the person executing the declaration on behalf of the deceased inventor is the only heir of the deceased inventor and that no legal representative is required to be appointed for the deceased inventor by law (or, if factually appropriate, a revised declaration properly executed on behalf of the deceased inventor by all his heirs or by his legal representative).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

MAILED

NOV 0 1 2010

PCT LEGAL ADMINISTRATION

In re Application of:
SHOKO, Toshikatsu., et al.
U.S. Application No.: 12//681,484
PCT No.: PCT/JP2008/068257
International Filing Date: 01 October 2008
Priority Date: 05 October 2007
Attorney's Docket No.: AK-559XX
For: METHOD AND APPARATUS FOR CONTROLLING PARTICLE DIAMETER AND PARTICLE DIAMETER DISTRIBUTION OF EMULSION PARTICLES IN EMULSION

DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in reply to the "Response To Decision Regarding Submission Under 37 CFR 1.42" filed 08 October 2010. The submission has been treated as a renewed submission under 37 CFR 1.42.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 30 August 2010. The decision rejected applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Shozo HAYASHI, stating that confirmation was required that the person signing the declaration on behalf of the deceased inventor was the sole heir or legal representative of the deceased inventor.

On 08 October 2010, applicants filed the "Response To Decision Regarding Submission Under 37 CFR 1.42" treated herein as a renewed submission under 37 CFR 1.42.

DISCUSSION

The renewed submission includes the required statement from counsel confirming that Hideko Hayashi, the person who executed the declaration on behalf of the deceased inventor as his "heiress," is the sole heir of the deceased inventor and that no other legal representative has been appointed according to the applicable law. As noted in the previous decision, the declaration includes all required information with respect to the deceased inventor and the person signing on his behalf.

In view of the above, acceptance of the declaration under 37 CFR 1.42 and 1.497 is appropriate.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased inventor Shozo HAYASHI 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 21 May 2010.

/RichardMRoss/

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

22 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

22 SEP 2010

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of: HILL
U.S. Application No.: 12/681556
PCT Application No.: PCT/GB2008/003366
International Filing Date: 07 October 2008
Priority Date Claimed: 05 October 2007
Attorney Docket No.: 058167-0103
For: MOLECULAR ADJUVANT

DECISION

This decision is in response to the "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" (Form PCT/SB/38) filed 22 July 2010 which is being treated as a petition to withdrawal from representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

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

> In the event that a notice of withdrawal is filed by the attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36(b), Form PTO/SB/38 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another.
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

A power of attorney has not been filed in the present application appointing the practitioners associated with Customer Number 22482. Consequently, no action is required to withdraw as attorney or agent of the application because the attorney appears to be acting in a representative capacity.

CONCLUSION

For the reasons above, the request to withdraw as attorney or agent of record is **DISMISSED AS MOOT**.

The application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with the decision including updating the correspondence address as reflected below.

Tamara Graysay
PCT Special Program Examiner
Office of PCT Legal Administration
(571) 272-6728

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Copy to:

ADRIAN VIVIAN SINTON HILL
THE WELLCOME TRUST CENTRE FOR HUMAN GENETICS
ROOSEVELT DRIVE
HEADINGTON
OXFORD
OX3 7BN
UNITED KINGDOM

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: 010121-10002A	Application Number (if known): 12/681,586	Filing date: April 2, 2010

First Named Inventor: Jonathan Sebastian Howes

Title: Energy Storage

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment; Statement of Special Status

Signature /G. Christopher Braidwood/	Date November 17, 2011
Name (Print/Typed) G. Christopher Braidwood	Registration Number 41,631

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Howes, *et al.*	Customer No.: 58898
Application No.: 12/681,586	Docket No.: 10121-10002A
Confirmation No.: 5116	Art Unit: To be determined
Filed: April 2, 2010	Examiner: To be determined
For: Energy Storage	

STATEMENT OF SPECIAL STATUS IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

In accordance with the Federal Register notices published December 8, 2009, May 21, 2010, and November 10, 2010, the applicants hereby request to participate in the Green Technology Pilot Program. The applicants submit that the invention claimed in the above-identified application materially contributes to the development of renewable energy resources and the efficient utilization and conservation of energy resources at least because the invention solves a persistent problem with intermittent energy generation systems (e.g., wind and solar renewable energy) by providing systems and methods for efficiently storing and recovering the energy from these sources, thereby making them deployable on a widespread and practical basis.

In addition, the invention assists in the conservation of energy by eliminating energy waste due to fluctuations in power demand. The claimed invention eliminates the need for rapidly deployable gas turbines or generators that (1) require the use of non-renewable energy resources (e.g., natural gas and diesel fuel) and (2) are environmentally damaging due to their inherent noise and emissions.

The applicants believe no additional fees are necessitated by the filing of this paper. However, if any additional fee is due, the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 50-3866.

Respectfully submitted,

By /G. Christopher Braidwood/
G. Christopher Braidwood
Reg. No.41,631
Lempia Summerfield Katz LLC
One North LaSalle Street
Suite 2900
Chicago, Illinois 60602
(312) 291-0860

November 17, 2011

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.
12/681,586	06/17/2010	Jonathan Sebastian Howes	010121-10002A	5116

58898 7590 12/08/2011

Lempia Summerfield Katz LLC
One North LaSalle Street
Suite 2900
CHICAGO, IL 60602

EXAMINER	
DENION, THOMAS E	
ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
12/08/2011	ELECTRONIC

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

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

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

docket-us@lsk-iplaw.com
mail@lsk-iplaw.com
jrhodes@lsk-iplaw.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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Lempia Summerfield Katz LLC
One North LaSalle Street
Suite 2900
CHICAGO IL 60602

In re Application of
HOWES, JONATHAN SEBASTIAN et. al.
Application No. 12/681,586
Filed: June 17, 2010
Attorney Docket No. 010121-10002A

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

This is a decision on the petition under 37 CFR 1.102, filed November 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

06 AUG 2010

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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

In re Application of	:	
COME, et al.	:	
U.S. Application No.: 12/681,597	:	
PCT No.: PCT/EP2008/063119 (as corrected)	:	
Int. Filing Date: 01 October 2008	:	DECISION ON PETITION
Priority Date: 02 October 2007	:	UNDER 37 CFR 1.182
Attorney Docket No.: 95781.3340	:	
For: METHOD FOR CONTROLLING A SERVO SYSTEM	:	

This decision is issued in response to applicant's "PETITION UNDER 37 CFR 1.182" filed 22 July 2010 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 03 April 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2008/063119. Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 23 June 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 22 July 2010, 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/EP2008/063116, 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/EP2008/063119 and the petition further states that the correct international application number was listed on the transmittal letter and Application Data Sheet filed 02 April 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 02 April 2010 and to permit such materials to be treated as having been directed to international application PCT/EP2008/063119.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The materials filed 02 April 2010 assigned U.S. application number 12/681,597 will be treated as the national stage of PCT/EP2008/063119.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/681,601		Frank ZAUGG	37210-8006.US01	5289

79975 7590 09/15/2010

King & Spalding LLP
P.O. Box 889
Belmont, CA 94002-0889

EXAMINER	
ART UNIT	PAPER NUMBER
1641	

MAIL DATE	DELIVERY MODE
09/15/2010	PAPER

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

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

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Belmont CA 94002-0889

SEP 15 2010

In re Application of
ZAUGG, FRANK et. al.,
Application No. 12/681,601
Filed: April 2, 2010
Attorney Docket No. 37210-8006.US01

DECISION ON REQUEST TO PARTICIPATE IN 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 (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed April 2, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is a national stage entry of the corresponding EPO PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s);
(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application;
(5) Examination of the U.S. application has not begun;
(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof;
(7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications; and
(8) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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JAN 06 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Zaugg et al	:	
Application No.: 12/681,601	:	
International App. No.: PCT/US2008/085737	:	
Int. Filing Date: 05 December 2008	:	REQUEST UNDER
Priority Date: 05 December 2007	:	
Attorney's Docket No.: 37210-8006.US01	:	
For: CELL ASSAY KIT AND METHOD	:	37 CFR 1.497(d)

This is a decision on applicants' "Request to Correct Inventorship Under 37 CFR 1.48(a)" filed on 07 July 2010, which is being treated as a request under 37 CFR 1.497(d), adding co-inventor, Silvia McManus-Munoz, in the executed declaration. The $130.00 processing fee has been petitioner's Deposit Account No.: 50-4616.

BACKGROUND

On 05 December 2008, applicants filed international application No. PCT/US2008/085737, and claiming an earliest priority date of 05 December 2007.

On 02 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 17 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) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date... either 37 CFR 1.66 or 37 CFR 1.68" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 07 July 2010, petitioner filed, inter alia, a request under 37 CFR 1.497(d) to add Silvia McManus-Munozin the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(2) the fee set forth in § 1.17(I); and
(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not requirement (3).

With respect to item (1), the statement submitted on 07 July 2010 by Silvia McManus-Munoz is sufficient because the statement state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been provided..

With respect to item (3), ZY-OMYX, INC, the assignee, has not consented to the correction of inventorship to the above application. Also, to establish the right of the Assignee to take action, applicant must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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PCT LEGAL ADMINISTRATION

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In re Application of	:	DECISION ON
Zaugg et al	:	
Application No.: 12/681,601	:	
International App. No.: PCT/US2008/085737	:	
Int. Filing Date: 05 December 2008	:	REQUEST UNDER
Priority Date: 05 December 2007	:	
Attorney's Docket No.: 37210-8006.US01	:	
For: CELL ASSAY KIT AND METHOD	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 04 March 2011.

BACKGROUND

In a decision from this Office mailed on 06 January 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 04 March 2011, applicants filed the current renewed request.

DISCUSSION

A review of the renewed request reveals that applicants have satisfied item (3) of 37 CFR 1.497(d) as Peter Wagner (President and CEO) does have authority to act on behalf of the assignee, Zyomyx, Inc. As such, the assignee consents to the addition of Silvia McManus-Munoz as a co-inventor and the assignee has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b) as the executed assignment as been recorded at Reel No. 024649/Frame No. 0790.

Accordingly, applicant is deemed to satisfy items (1), (2), and (3) under 37 CFR 1.497(d).

Consequently, applicants are deemed to satisfy the items under 37 CFR 1.497(d).

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

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

28 SEP 2010

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In re Application of: TAKITA, Kotaro, et al.
U.S. Application No.: 12/681,674
PCT No.: PCT/JP2008/069391
International Filing Date: 20 October 2008
Priority Date: 19 October 2007
Attorney Docket No.: 2007EM318/2
For: EXTRUDER HAVING DUAL MIXING STAGES AND PROCESS FOR PREPARING A MIXTURE OF POLYMER AND DILUENT

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the petition under 37 CFR 1.47(a) filed 11 August 2010. Applicants have paid the required petition fee.

BACKGROUND

On 20 October 2008, applicants filed international application PCT/JP2008/069391. The international application claimed a priority date of 19 October 2007, and it designated the United States. On 23 April 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., 19 April 2010.

On 05 April 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 and an unexecuted declaration.

On 14 May 2010, the United States Elected/Designated Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of a properly executed 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 11 August 2010, applicants filed a response to the Notification Of Missing Requirements (with required one-month 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 requests acceptance of the application without the signature of co-inventor Norimitsu KAIMAI, whom applicants assert has refused to execute the declaration.

DISCUSSION

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

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

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

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

Here, applicants have filed a declaration executed by two of the three inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Norimitsu KAIMAI. 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), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from attorney Gerald J Hughes, with accompanying exhibits. The statement asserts that a request for signature on the declaration, accompanied by "formal papers," was forwarded to the non-signing inventor at an email address provided by the inventor, and that, despite subsequent follow-up emails, the inventor did not provide a signed declaration in response to such requests. However, the petition does not provide an acceptable showing that the inventor was provided with a copy of the complete application, as required before it can be concluded that the inventor has refused to execute the present application (the attached email refers only to attached declaration and assignment documents). Moreover, petitioner has not provided a firsthand statement from the legal assistant who actually corresponded with the non-signing inventor, as necessary to confirm such correspondence and the documents included therewith. Before it can be concluded that the non-signing inventor has refused to execute the application, applicants must provide adequate supplemental materials, including a firsthand

statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor and that the inventor has refused to provide the requested signature in response to such request.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

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

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

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

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PCT LEGAL ADMINISTRATION

In re Application of: TAKITA, Kotaro, et al.
U.S. Application No.: 12/681,674
PCT No.: PCT/JP2008/069391
International Filing Date: 20 October 2008
Priority Date: 19 October 2007
Attorney Docket No.: 2007EM318/2
For: EXTRUDER HAVING DUAL MIXING STAGES AND PROCESS FOR PREPARING A MIXTURE OF POLYMER AND DILUENT

DECISION
(37 CFR 1.47(a))

In a decision mailed by this Office on 28 September 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Norimitsu KAIMAI was dismissed without prejudice based on applicants' failure to satisfy the requirements of a grantable petition.

On 19 November 2010, applicants filed a "Communication" in response to the previous decision. The Communication states that applicants have now received an executed declaration from the previously non-signing inventor, Norimitsu KAIMAI. The Communication was accompanied by a copy of the declaration, which is executed by all the inventors of record, including the previously non-signing inventor.

Applicants have now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, 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 19 November 2010.

/RichardMRoss/

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

28 SEP 2010

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In re Application of: TAKITA, Kotaro, et al.
U.S. Application No.: 12/681,684
PCT No.: PCT/JP2008/069386
International Filing Date: 20 October 2008
Priority Date: 19 October 2007
Attorney Docket No.: 2007EM309/2
For: EXTRUDER AND PROCESS FOR PREPARING A MIXTURE OF POLYMER AND DILUENT

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the petition under 37 CFR 1.47(a) filed 11 August 2010. Applicants have paid the required petition fee.

BACKGROUND

On 20 October 2008, applicants filed international application PCT/JP2008/069386. The international application claimed a priority date of 19 October 2007, and it designated the United States. On 23 April 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., 19 April 2010.

On 05 April 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 and an unexecuted declaration.

On 11 May 2010, the United States Elected/Designated Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of a properly executed 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 11 August 2010, applicants filed a response to the Notification Of Missing Requirements (with required one-month 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 requests acceptance of the application without the signature of co-inventor Norimitsu KAIMAI, whom applicants assert has refused to execute the declaration.

DISCUSSION

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

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

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

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

Here, applicants have filed a declaration executed by two of the three inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Norimitsu KAIMAI. 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), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from attorney Gerald J Hughes, with accompanying exhibits. The statement asserts that a request for signature on the declaration, accompanied by "formal papers," was forwarded to the non-signing inventor at an email address provided by the inventor, and that, despite subsequent follow-up emails, the inventor did not provide a signed declaration in response to such requests. However, the petition does not provide an acceptable showing that the inventor was provided with a copy of the complete application, as required before it can be concluded that the inventor has refused to execute the present application (the attached email refers only to attached declaration and assignment documents). Moreover, petitioner has not provided a firsthand statement from the legal assistant who actually corresponded with the non-signing inventor, as necessary to confirm such correspondence and the documents included therewith. Before it can be concluded that the non-signing inventor has refused to execute the application, applicants must provide adequate supplemental materials, including a firsthand

statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor and that the inventor has refused to provide the requested signature in response to such request.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

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

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

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

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JAN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of: TAKITA, Kotaro, et al. :
U.S. Application No.: 12/681,684 : DECISION
PCT No.: PCT/JP2008/069386 : (37 CFR 1.47(a))
International Filing Date: 20 October 2008 :
Priority Date: 19 October 2007 :
Attorney Docket No.: 2007EM309/2 :
For: EXTRUDER AND PROCESS FOR :
PREPARING A MIXTURE OF :
POLYMER AND DILUENT :

In a decision mailed by this Office on 28 September 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Norimitsu KAIMAI was dismissed without prejudice based on applicants' failure to satisfy the requirements of a grantable petition.

On 19 November 2010, applicants filed a "Communication" in response to the previous decision. The Communication states that applicants have now received an executed declaration from the previously non-signing inventor, Norimitsu KAIMAI. The Communication was accompanied by a copy of the declaration, which is executed by all the inventors of record, including the previously non-signing inventor.

Applicants have now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, applicants' previous 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 19 November 2010.

/RichardMRoss/

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

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PCT LEGAL ADMINISTRATION

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5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN TX 77522-2149

In re Application of: NOGATA, Tetsuro, et al.
U.S. Application No.: 12/681,695
PCT No.: PCT/JP2008/069387
International Filing Date: 20 October 2008
Priority Date: 19 October 2007
Attorney Docket No.: 2007EM293/2
For: EXTRUDER AND PROCESS FOR PREPARING A MIXTURE OF POLYMER AND DILUENT

DECISION
(37 CFR 1.47(a) and 1.42)

This decision is issued in response to the petition under 37 CFR 1.47(a) filed 26 August 2010 and the declaration executed on behalf of deceased inventor Kotaro TAKITA filed therewith, which is considered herein under 37 CFR 1.42 and 1.497. Applicants have paid the required petition fee.

BACKGROUND

On 20 October 2008, applicants filed international application PCT/JP2008/069387. The international application claimed a priority date of 19 October 2007, and it designated the United States. On 23 April 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., 19 April 2010.

On 05 April 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 and an unexecuted declaration.

On 26 May 2010, the United States Elected/Designated Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of a properly executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 26 August 2010, applicants filed a response to the Notification Of Missing Requirements (with required one-month 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 requests acceptance of the application without the signature of co-inventors Norimitsu KAIMAI and Tetsuro NOGATA.

DISCUSSION

1. Submission Under 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.

37 CFR 1.497(b)(2) states:

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

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative (or all the heirs) must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497.

Here, the declaration filed on 26 August 2010 was executed on behalf of deceased inventor Kotaro TAKITA by Junko Takita as "Executrix of the Estate of Kotaro Takita." The declaration therefore includes the required statement of the signee's relationship to the deceased inventor (i.e., "executrix"), and the declaration also sets forth the citizenship of the deceased inventor. However, the declaration does not set forth the citizenship, residence, and mailing address of the executrix, as also required under 37 CFR 1.497(b)(2). The declaration therefore fails to include all the information required for acceptance under 37 CFR 1.42 and 1.497.

Applicant must provide a revised declaration executed by the executrix of the deceased inventor that sets forth all information required under 37 CFR 1.497, including the residence, mailing address and citizenship of the executrix, the citizenship of the deceased inventor, and the names and citizenship of all the inventors of record.

2. Submission Under 37 CFR 1.47(a)

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on their own behalf and on behalf of 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 addresses of the non-signing inventors. Items (1) and (2) are therefore satisfied.

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

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

Here, applicants have filed a declaration executed by one of the four inventors of record, Soichiro YAMAGUCHI. The declaration includes unsigned signature blocks for the non-signing inventors who are the subject of the present petition, Norimitsu KAIMAI and Tetsuro NOGATA. As discussed above, the declaration also includes a signature block for deceased inventor Kotaro TAKITA executed on behalf of the deceased inventor by his executrix. However, as also discussed above, the declaration does not include all required information with respect to the executrix of the deceased inventor. The declaration is therefore not acceptable as filed and may not be accepted as having been executed by the signing inventor and the executrix on their own behalf and on behalf of the non-signing inventors. Until an acceptable revised declaration is provided, item (3) of a grantable petition is not satisfied.

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

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

Here, as evidence of the non-signing inventor Norimitsu KAIMAI's refusal to execute the declaration, applicants have provided a statement from attorney Gerard J. Hughes, with accompanying exhibits. The statement asserts that a request for signature on the declaration, accompanied by "formal papers," was forwarded to the non-signing inventor at an email address provided by the inventor, and that, despite subsequent follow-up emails, the inventor did not provide a signed declaration in response to such requests. However, the petition does not provide an acceptable showing that the inventor was provided with a copy of the complete application, as required before it can be concluded that the inventor has refused to execute the present application (the attached email refers only to attached declaration and assignment documents). Moreover, petitioner has not provided a firsthand statement from the legal assistant who actually corresponded with the non-signing inventor, as necessary to confirm such correspondence and the documents included therewith. Before it can be concluded that the non-signing inventor has refused to execute the application, applicants must provide adequate supplemental materials, including a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been

delivered to this non-signing inventor and that the inventor has refused to provide the requested signature in response to such request.[1]

With respect to non-signing inventor Tetsuro NOGATA, the petition is accompanied by a statement executed by attorney Gerard J. Hughes, asserting that a person identified as Kunihiko Imanashi spoke to the inventor by telephone, that the inventor confirmed to Mr. Imanashi that he had received the specification and the declaration in the present application, and that the inventor expressly stated to Mr. Imanashi that he would not execute the declaration. However, the petition does not include a firsthand statement executed by Kunihiko Imanashi, the person to whom the refusal was made, as required. Applicants have also failed to provide any supporting documents with respect to this non-signing inventor. The present record therefore does not provide an acceptable showing that non-signing inventor Tetsuro NOGATA has refused to execute the application.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record with respect to either of the two non-signing inventors, Norimitsu KAMAI and Tetsuro NOGATA.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Kotaro TAKITA is **DISMISSED** without prejudice.

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 Renewed Submission Under 37 CFR 1.42" and must include the additional materials necessary to satisfy the requirements of 37 CFR 1.42 and 1.497 and to complete the outstanding elements of a grantable petition under 37 CFR 1.47(a), 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

[1] It is noted that the petition asserts that inventor KAMAI cannot be located or reached after diligent effort; however, the facts asserted do not support such an assertion in that applicants have not provided evidence of any efforts made to identify current contact information for the inventor and contact him using such information. See MPEP section 409.03(d)(I) for the requirements of a showing that an inventor cannot be reached after diligent effort.

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

16 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	DECISION
COUPLAND et al.	:	
Application No.: 12/681,719	:	
PCT No.: PCT/GB2007/050615	:	
Int. Filing Date: 05 October 2007	:	
Priority Date: None	:	
Attorney Docket No.: JMYT-476US	:	
For: METAL PROTECTION	:	

This decision is in response to applicants' "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE AND CORRECTED FILING RECEIPT," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 07 July 2010.

BACKGROUND

On 05 October 2007, applicants filed international application PCT/GB2007/050615 which designated the US and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau on 09 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 April 2010.

On 05 April 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 19 April 2010, applicants filed a submission including a declaration of inventors.

On 25 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 05 April 2010 and a 35 U.S.C. 371 date of 19 April 2010.

On 07 July 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) date be changed from 05 April 2010 to 19 April 2010.

As noted by applicants, the declaration of inventors was not filed until 19 April 2010. Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 25 May 2010 contained the incorrect 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 25 May 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for (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 **19 April 2010** and (2) mailing of a corrected Filing Receipt.

/Daniel Stemmer/

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

01 SEP 2010

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

23575
CURATOLO SIDOTI CO., LPA
24500 Center Ridge Road, Suite 280
Cleveland, OH 44145

In re Application of
SUGAMATA *et al*
U.S. Application No.: 12/681,795
PCT No.: PCT/EP2008/063542
Int. Filing Date: 09 October 2008
Priority Date: 19 October 2007
Attorney Docket No.: COC.P60363
For: CEMENT ADDITIVES

DECISION

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

BACKGROUND

On 27 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. Extensions of time under 37 CFR 1.136(a) were available.

On 13 July 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 surcharge fee; a declaration signed by two of the three named inventors on behalf of the nonsigning inventor; a $200.00 petition fee; and a statement of facts by Hidenori Nagamine.

DISCUSSION

Applicants claim that co-inventor, Raita IWATA, could not be reached 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 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)[1] are satisfied.

Regarding item (2), applicants provided a statement by Hidenori Nagamine, who claims firsthand knowledge of the facts as required. A review of the evidence shows that Mr. Nagamine placed a telephone call to the nonsigning inventor's last known telephone number on 10 May 2010. No response was received. A letter was mailed to the last known address of Mr. IWATA on 13 May 2010. No response was received. Mr. Nagamine again called Mr. IWATA at the same telephone number on 14 May 2010. No response was received. No other evidence was provided.

Section 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.

Applicants have not shown that a diligent effort was made to locate Mr. IWATI. A copy of the letter purportedly mailed 13 May 2010 and postal receipts were not provided as required. Moreover, applicants have made no attempt made to verify whether the address and telephone number listed in the statement of facts are still good. There is no indication that a search for Mr. IWATA was made, or former employers and/or co-workers contacted. These efforts are not extraordinary and are required to show that a diligent effort was made to contact the inventor.

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

CONCLUSION

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

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[1] Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor was provided. A declaration signed by two of the three inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b).

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

23575
CURATOLO SIDOTI CO., LPA
24500 Center Ridge Road, Suite 280
Cleveland, OH 44145

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DEC 14 2010

PCT LEGAL ADMINISTRATION

In re Application of
SUGAMATA *et al*
U.S. Application No.: 12/681,795
PCT No.: PCT/EP2008/063542
Int. Filing Date: 09 October 2008
Priority Date: 19 October 2007
Attorney Docket No.: COC.P60363
For: CEMENT ADDITIVES

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 15 October 2010.

BACKGROUND

On 01 September 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 15 October 2010, applicants filed the subject response which was accompanied by, *inter alia*, a statement of facts by Hidenori Nagamine, and documentary evidence in support of the petition (Exhibits 1 - 10).

DISCUSSION

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or 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 original claim was that Mr. IWATA could not be reached. In the renewed petition, applicants now assert that Mr. IWATA refuses to join in the application.

A review of the evidence shows that a complete copy of the subject application was delivered to "R. IWATI" by DHL on 13 September 2010. (Exh. 10). Mr. Nagamine states that he has not received a reply from Mr. IWATI as of 07 October 2010. Mr.

Nagamine also states that he contacted Mr. IWATI by telephone in another application in January/February 2009 and was told by the nonsigning inventor that "[t]his is the last case to sign."

The lack of a response by Mr. IWATI constitutes a refusal to cooperate as contemplated in MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is satisfied.

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

CONCLUSION

Applicant's 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 09 October 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 13 July 2010.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Raita Iwati
12-1-411 Midorigahama,
Chigasaki, Kanagawa 253-0034
Japan

MAILED

DEC 14 2010

PCT LEGAL ADMINISTRATION

In re Application of
SUGAMATA *et al*
U.S. Application No.: 12/681,795
PCT No.: PCT/EP2008/063542
Int. Filing Date: 09 October 2008
Priority Date: 19 October 2007
Attorney Docket No.: COC.P60363
For: CEMENT ADDITIVES

Mr. Iwati:

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

CURATOLO SIDOTI CO., LPA
24500 Center Ridge Road, Suite 280
Cleveland, OH 44145

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24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND OH 44145

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OFFICE OF PETITIONS

Applicants: Sugamata, et al.
Appl. No.: 12/681,795
International Filing Date: October 9, 2008
Title: CEMENT ADDITIVES
Attorney Docket: COC.P60363
Pub. No.: US 20110082265 A1
Pub. Date: April 7, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 27, 2011, for the above-identified application.

The request is granted.

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

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/681,798	06/21/2010	Yo Jin Kim	LGCHEM 3.3-142	7272

86765 7590 08/11/2011

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

EXAMINER	
WILLS, MONIQUE M	

ART UNIT	PAPER NUMBER
1728	

NOTIFICATION DATE	DELIVERY MODE
08/11/2011	ELECTRONIC

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

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

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

eOfficeAction@ldlkm.com

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AUG 11 2011

WG

In re application of	:	DECISION ON REQUEST TO
Yo Kim et al.	:	PARTICIPATE IN PATENT
Serial No. 12/681,798	:	PROSECUTION HIGHWAY
Filed: June 21, 2010	:	PROGRAM AND
For: SECONDARY BATTERY WITH IMPROVED STORAGE CHARACTERISTICS AND METHOD FOR MANUFACTURING 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 July 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 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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P.O. Box 1450
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PABST PATENT GROUP LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA GA 30309

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Ulrich H. VON ANDRIAN et al. :
Application No. 12/681,814 : DECISION ON PETITION
Filed: June 09, 2008 :
Attorney Docket No. **MIT 12788** :

This is a decision on the petition under 37 CFR 1.182, filed, November 08, 2010, change the name of inventor "Ashley Moseman" to "Elliot Ashley Moseman".

The petition is **DISMISSED**.

Petitioner request the name change of applicant Ashley Moseman. Petitioner states that the applicant's full and legal name is Elliot Ashley Moseman and that the applicant commonly uses the name Ashley Moseman. A supplemental application data sheet and a statement signed by the applicant was submitted.

The request cannot be granted because, although a supplemental application data sheet has been submitted, a new oath/declaration and evidence showing the correct name of the name inventor such as a birth certificate, driver's license or passport has not been provided.

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 22313-145

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 Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Ulrich H. VON ANDRIAN et al.	:	
Application No. 12/681,814	:	DECISION ON PETITION
Filed: April 06, 2010	:	
Attorney Docket No. MIT 12788	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed, October 07, 2011, to change the name of inventor "Ashley Moseman" to – Elliot Ashley Moseman --.

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 Michelle R. Eason at (571) 272-4231. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1633 examination in due course.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/681,814	04/28/2010	1633	2982	MIT 12788	31	4

CONFIRMATION NO. 7480

CORRECTED FILING RECEIPT

23579
Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA, GA 30309

Date Mailed: 11/16/2011

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

Applicant(s)

Ulrich H. Von Andrian, Chestnut Hill, MA;
Omid C. Farokhzad, Chestnut Hill, MA;
Robert S. Langer, Newton, MA;
Tobias Junt, Schomdorf, GERMANY;
Elliot Ashley Moseman, Jamaica Plain, MA;
Liangfang Zhang, Cambridge, MA;
Pamela Basto, Somerville, MA;
Matteo Iannacone, Boston, MA;
Frank Alexis, Brighton, MA;

Assignment For Published Patent Application

Massachusetts Institute of Technology Massachusetts
President and Fellows of Harvard College Massachusetts
The Brigham and Women's Hospital ,Inc. Massachusetts
Immune Disease Institute Massachusetts

Power of Attorney: The patent practitioners associated with Customer Number 23579

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US2008/011932 10/12/2008
which claims benefit of 60/979,596 10/12/2007

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

If Required, Foreign Filing License Granted: 06/08/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/681,814**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Vaccine Nanotechnology

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/681,853	04/06/2010	Tatsuya Kumagai	1609-0263PUS1	7870

2292 7590 01/05/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
1733	

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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 4, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Tatsuya Kumagai	:	PARTICIPATE IN PATENT
Serial No. 12/681,853	:	PROSECUTION HIGHWAY
Filed: April 06, 2010	:	PROGRAM AND
For: HIGH-STRENGTH STEEL PLATE AND	:	PETITION TO MAKE SPECIAL
PRODUCING METHOD THEREFOR	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 13, 2010.

The request and petition are **GRANTED**.

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

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

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

(3) Applicant must:
   a. Ensure all the 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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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.
12/681,853	04/06/2010	Tatsuya Kumagai	1609-0263PUS1	7870

2292 7590 01/06/2011

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

EXAMINER
YANG, JIE

ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
01/06/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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CST

January 5, 2011

In re application of	:	DECISION ON REQUEST TO
Tatsuya Kumagai	:	PARTICIPATE IN PATENT
Serial No. 12/681,853	:	PROSECUTION HIGHWAY
Filed: April 6, 2010	:	PROGRAM AND
For: HIGH-STRENGTH STEEL PLATE AND PRODUCING METHOD THEREFOR	:	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 13, 2010.

The request and petition are **GRANTED**.

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

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

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

(3) Applicant must:
   a. Ensure all the 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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P.O. Box 1450
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Jonathan P. O'Brien, Ph.D.
Honigman Miller Schwartz and Cohn LLP
350 East Michigan Avenue
Suite 300
Kalamazoo, MI 49007

MAILED

NOV 10 2011

OFFICE OF PETITIONS

In re Application of Doucette et al. :
Application No. 12/681,880 :
Int'l Filing Date: October 9, 2008 : Decision on Request
Attorney Docket No. 223274-131343 :
Pub. No.: US 2010/0270159 A1 :
Pub. Date: October 28, 2010 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 23, 2010.

The request is **granted**.

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

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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SYNTHETIC GENOMICS C/O MOFO
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO CA 92130

MAILED

OCT 0 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Radha KRISHNAKUMAR, et al	:	
Application No. 12/681,887	:	DECISION ON PETITION
Filed: July 9, 2010	:	TO WITHDRAW
Attorney Docket No. 616872000900	:	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 3, 2010.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Kate H. Murashige and all the attorneys of record associated with Customer No. 84470, has been revoked by the applicant of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Cc: SYNTHETIC GENOMICS, INC.
11149 NORTH TORREY PINES ROAD,
SUITE 100
LA JOLLA, CA 92037

UNITED STATES PATENT AND TRADEMARK OFFICE

09 AUG 2010

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Alexandria, VA 22313-1450
www.uspto.gov

66390
LEXYOUME IP GROUP, PLLC
5180 Parkstone Drive, Suite 175
Chantilly, VA 20151

In re Application of :
JEON *et al* :
U.S. Application No.: 12/681,925 :
PCT No.: PCT/KR2008/000966 :
Int. Filing Date: 19 February 2008 : **DECISION ON**
Priority Date: 15 June 2007 : **PETITION UNDER**
Attorney Docket No.: CPM20107037US : **37 CFR 1.137(b)**
For: BI-PREDICTION CODING METHOD AND APPARATUS, BI-PREDICTION DECODING METHOD AND APPARATUS, AND RECORDING MEDIUM :

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 07 April 2010 is hereby **GRANTED** as follows:

The required fees and petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

The United States Designated/Elected Office mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt on 12 May 2010 indicating a date of completion of all 35 U.S.C. 371 requirements of 07 April 2010.

This application will be forwarded to the appropriate Tech Center for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MAR 28 2011

PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C. (AT)
P.O. BOX 1022
Minneapolis MN 55440-1022

In re Application of	:	
SKOLNICK et al.	:	DECISION ON
Application No.: 12/681,959	:	
PCT No.: PCT/US2008/080002	:	PAPERS
Int. Filing Date: 15 October 2008	:	
Priority Date: 15 October 2007	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 24071-0006US1	:	
For: METABOLOMICS-BASED IDENTIFICATION OF DISEASE-CAUSING AGENTS	:	

This is a decision on the submission filed by applicants on 24 June 2010, which was accompanied by, *inter alia*, a declaration of the inventors. The indication in the declaration that inventor Adrian K. ARAKAKI is deceased has been treated as a request for status under 37 CFR 1.42. (The Change of Address filed 08 November 2010 is not effective. The person signing the form, Miles Hall, is not associated with Customer Number 26167.)

BACKGROUND

On 15 October 2008, applicants filed international application PCT/US2008/080002, which designated the U.S. and claimed a priority date of 15 October 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 April 2009. The thirty-month period for paying the basic national fee in the United States expires at midnight on 15 April 2010.

On 07 April 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 12 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 June 2010, applicants filed a submission which included a declaration of inventors. The indication in the declaration that inventor Adrian K. ARAKAKI is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 24 June 2010 fails to comply with 37 CFR 1.497(a)-(b). It is not clear from the declaration whether the citizenship below Mr. ARAKAKI's name is his information, or if it is the information of the person signing on his behalf. Additionally, the declaration does not include the name, residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)).

Additionally, the declaration of inventors filed 24 June 2010 is not sufficient because it is an improper composite declaration, consisting of two first pages, one second page, and one third page. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents. See also MPEP § 201.03, item II.B.

It is suggested that Form PTO/SB/02LR be used for the legal representative. This form must be attached to an otherwise complete declaration.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. A proper declaration is described above. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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

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

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JUN 21 2011

PCT LEGAL ADMINISTRATION

McKeon Meunier Carlin & Curfman LLC
817 W. Peachtree Street, Suite 900
Atlanta GA 30308

In re Application of	:	
SKOLNICK et al.	:	DECISION ON
Application No.: 12/681,959	:	
PCT No.: PCT/US2008/080002	:	PAPERS
Int. Filing Date: 15 October 2008	:	
Priority Date: 15 October 2007	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 24071-006US1	:	
For: METABOLOMICS-BASED IDENTIFICATION OF DISEASE-CAUSING AGENTS	:	

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 13 May 2011.

BACKGROUND

On 15 October 2008, applicants filed international application PCT/US2008/080002, which designated the U.S. and claimed a priority date of 15 October 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 April 2009. The thirty-month period for paying the basic national fee in the United States expires at midnight on 15 April 2010.

On 07 April 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 12 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 June 2010, applicants filed a submission which included a declaration of inventors. The indication in the declaration that inventor Adrian K. ARAKAKI is deceased was treated as a request for status under 37 CFR 1.42.

On 28 March 2011, a decision was issued refusing applicants' request for status under 37 CFR 1.42.

On 13 May 2011, applicants filed the instant renewed request for status under 37 CFR 1.42 which was accompanied by a new declaration of inventors.

DISCUSSION

The submission filed 13 May 2011 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 13 May 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

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

/Daniel Stemmer/

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

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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Sprinkle IP Law Group / Zimmer
Katharina W. Schuster
1301 W. 25th Street
Suite 408
Austin TX 78705

MAILED
AUG 17 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Karl Pierre Belliard	:	
Application No.: 12/682,001	:	DECISION ON
PCT No.: PCT/EP2008/063682	:	
Int. Filing Date: 10 October 2008	:	PETITION
Priority Date: 11 October 2007	:	
Attorney's Docket No.: ZIMMI360-US	:	UNDER 37 CFR 1.181
For: BONE FIXING SYSTEM AND METHOD OF USE	:	

This decision is in response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(A)," filed on 26 May 2011 requesting the removal of the holding of abandonment because the executed declaration was timely filed with the aforementioned application.

BACKGROUND

On 07 April 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the basic national fee as required by 35 U.S.C. 371(c)(1), and executed declaration.

On 10 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) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from the this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandon-ment of the national stage application.

On 12 May 2011, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT," which stated that "above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/10/2010. No reply was received."

On 26 May 2011, applicant filed the instant petition under 37 CFR 1.181 requesting that the holding of abandonment mailed on April 20, 2007 be withdrawn because the above-identified patent application was filed on April 7, 2010 with an executed declaration.

DISCUSSION

A review of the file shows that an executed declaration by sole inventor Karl Pierre Belliard was filed with the above identified patent application on **April 7, 2010**.

Consequently, the aforementioned application was improperly abandoned for failure to file an executed declaration.

CONCLUSION

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

The Notification of Abandonment (PCT/DO/EO/909) mailed 12 May 2011 was in error and is hereby **VACATED**.

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

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SPRINKLE IP LAW GROUP / ZIMMER
1301 W. 25TH STREET
SUITE 408
AUSTIN TX 78705

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OFFICE OF PETITIONS

In re Application of :
Karl Pierre Belliard :
Application No. 12/682,001 : DECISION ON PETITION
Filed: April 7, 2010 : TO WITHDRAW
Attorney Docket No. ZIMM1360-US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 15, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is 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.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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 Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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PCT LEGAL ADMINISTRATION

HICKMAN PALERMO TRUONG & BECKERM, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

In re Application of	:	
JONES et al.	:	
Application No.: 12/682,029	:	DECISION
PCT No.: PCT/GB2008/003411	:	
Int. Filing Date: 08 October 2008	:	
Priority Date: 08 October 2007	:	
Attorney Docket No.: 60065-0024	:	
For: IMPROVED METHOD OF CREATING A COMPUTER MODEL OF THE PHYSICAL WORLD	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 23 November 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 08 October 2008, applicants filed international application PCT/GB2008/003411, which designated the United States and claimed a priority date of 08 October 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 16 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 April 2010.

On 07 April 2010, 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 24 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 23 November 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, a statement of facts by Anne Zwirlein with documentation in support thereof, and a declaration of facts by Gwilym Roberts.

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) and (3) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it does not appear that non-signing inventor Jacques Bruno Michel MENUET was presented with a copy of the specification including the claims and drawings. The e-mail sent by Ms. Zwirlein only refers only to an assignment and a declaration of inventors. Additionally, the e-mail sent by Mr. MENUET indicates that he is unwilling to sign the assignment but it is not clear if he is also unwilling to sign the declaration.

Item (4) has not been met. The declaration of inventors filed 23 November 2010 is not sufficient because it is an improper composite declaration, consisting of one first page, two second pages, two third pages, and one fourth page. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. **Multiple complete executed declarations may be submitted**, but it is not permissible to combine pages of separate documents. See also MPEP § 201.03, item II.B. Additionally, the declaration is not sufficient because it contains non-initialed alterations in ink made to the mailing address of Russell William KAY. 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a). Item I.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the**

proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

/Daniel Stemmer/

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

HICKMAN PALERMO TRUONG & BECKER, LLP
ONE ALMADEN BOULEVARD
FLOOR TWELVE
SAN JOSE CA 95113

In re Application of	:	
JONES et al.	:	
Application No.: 12/682,029	:	DECISION
PCT No.: PCT/GB2008/003411	:	
Int. Filing Date: 08 October 2008	:	
Priority Date: 08 October 2007	:	
Attorney Docket No.: 60065-0024	:	
For: IMPROVED METHOD OF CREATING A COMPUTER MODEL OF THE PHYSICAL WORLD	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 07 June 2011 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 08 October 2008, applicants filed international application PCT/GB2008/003411, which designated the United States and claimed a priority date of 08 October 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 16 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 April 2010.

On 07 April 2010, 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 24 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 23 November 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration

of inventors, a statement of facts by Anne Zwirlein with documentation in support thereof, and a declaration of facts by Gwilym Roberts.

On 20 December 2010, a decision was issued dismissing without prejudice applicants' petition under 37 CFR 1.47(a). (This decision inadvertently indicated the non-signing inventor as Jacques Bruno Michel MENUET. However, the actual non-signing inventor at the time was Jonathan HUGHES).

On 07 June 2011, applicants' filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time and several declarations of inventors, including a declaration signed by previously non-signing inventor Jonathan HUGHES.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

Declarations of Inventors

The declarations of inventors filed 07 June 2011 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **07 June 2011**.

/Daniel Stemmer/

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 08 2011

PCT LEGAL ADMINISTRATION

Morgan, Lewis & Bockius, LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of :
BRAUN et al. :
Application No.: 12/682,032 :
Filing Date: July 07, 2010 : DECISION ON PETITION
Attorney Docket No.: 008074-5003-US :
For: EMP2 ANTIBODIES AND THEIR :
THERAPEUTIC USES :

This decision is in response to applicants' "Petition under 37 CFR 1.78(a)(6) to Accept and Unintentionally Claim of Priority under 35 U.S.C. 119(e) for the Benefit of a Prior Provisional Application" filed 03 January 2011, to accept an unintentionally delayed claim under 37 CFR 1.78(a)6) for the benefit of priority to the prior-filed application set forth in the supplemental application data sheet filed with the instant petition. Because the application claims priority to a prior filed international applications, the petition is also being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed application.

The petitions are DISMISSED.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above for the following reasons:

Applicant is advised that a supplemental application data sheet (ADS) must bear a proper signature as required by 37 CFR 1.33(b). The ADS submitted with the present petition does not bear a proper signature as required by 37 CFR 1.33(b). Form PTO/SB/14 contains an appropriate signature block and can be obtained at http://www.uspto.gov/ebc/portal/efs/sb0014.fill.pdf. It is noted that supplemental ADS improperly states the relationship between International Application No. PCT/US2008/079244 filed October 08, 2008, to 11/868,788 filed October 08, 2007 "as an application claiming benefit under 35 U.S.C. 119(e)" which is improper.

Additionally, the reference to add the prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

As to item (3), applicant's statement that "the entire delay between the date to correct a priority claim under 37 CFR 1.78(a)(5)(ii) the filing of this petition was unintentional" is construed as meaning 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 is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above.

Before the petition under 37 CFR § 1.78(a)(3) and (a)(6) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

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.

Boris Milef
Legal Examiner
PCT Legal Administration

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PCT LEGAL ADMINISTRATION

Morgan, Lewis & Bockius, LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of :
BRAUN et al. :
Application No.: 12/682,032 :
Filing Date: July 07, 2010 : DECISION ON PETITION
Attorney Docket No.: 008074-5003-US :
For: EMP2 ANTIBODIES AND THEIR :
THERAPEUTIC USES :

This decision is in response to applicants' "Petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) *(sic)* to Accept an Unintentionally Delayed Claim of Priority under 35 U.S.C. 120 for the Benefit of a Prior Provisional Application" filed 14 June 2011 for the benefit of priority to the prior-filed application set forth in the supplemental application data sheet and amended specification filed with the instant petition.

The petitions are DISMISSED.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above for the following reasons:

The supplemental ADS improperly states the relationship between International Application No. PCT/US2006/079244 filed April 15, 2005, to 60/671,755 filed April 15, 2005 as an application claiming benefit under 35 U.S.C. 120. A proper benefit to a U.S. provisional application falls under 35 U.S.C. 119(e).

It is noted that the second line of the supplemental ADS, which indicates that international application PCT/US2008/079244 is claiming benefit under 35 U.S.C. 120 to 11/868,788, fails to comply with 37 CFR 1.78(a)(2) because a relationship is not indicated and further is not necessary in view of the third line of the ADS which indicates the present national phase application is a continuation-in-part of 11/868,788 and should be deleted.

Before the petition under 37 CFR § 1.78(a)(3) and (a)(6) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

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.

Boris Milef
Legal Examiner
PCT Legal Administration

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Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

Morgan, Lewis & Bockius, LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of
BRAUN et al.
Application No.: 12/682,032
Filing Date: July 07, 2010
Attorney Docket No.: 008074-5003-US
For: EMP2 ANTIBODIES AND THEIR THERAPEUTIC USES

DECISION ON PETITION
UNDER 37 CFR 1.78

This decision is issued response to applicants' "Renewed Petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) *(sic)* to Accept an Unintentionally Delayed Claim of Priority under 35 U.S.C. 119(e) for the Benefit of a Prior Provisional Application" filed 13 September 2011 to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the supplemental application data filed with the instant petition.

The petitions are GRANTED.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications are submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

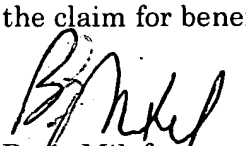
Application No.: 12/682,032

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a proper reference to the prior-filed applications has been included in a supplemental application data sheet, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the 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)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition. Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. 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 1647 for appropriate action on the amendment submitted 13 September 2011, including consideration by the examiner of the claim for benefit of the prior-filed applications.



Boris Milef
Legal Examiner
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

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APR 08 2011

PCT LEGAL ADMINISTRATION

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

In re Application of :
CRUZ, Ben E., et al. :
Application No.: 12/682,040 : DECISION
PCT No.: PCT/US2008/080062 :
Int. Filing Date: 16 October 2008 : ON PETITION UNDER
Priority Date: 17 October 2007 :
Docket No.: FER-17473.001 : 37 CFR 1.47(a)
For: DIELECTRIC COATING FOR SINGLE SIDED BACK CONTACT SOLAR CELLS :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 September 2010.

BACKGROUND

On 07 May 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration was required.

On 30 September 2010, applicants filed a declaration of the inventors, a petition under 37 CFR 1.47(a) and the fee for a three month extension of time.

DISCUSSION

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

Items (1),(3) and (4) have been met. The petition fee has been paid. Applicant states the last known address of non-signing inventor Jalal Salami as 816 Settlers Court, San Marcos, CA 92069-1963. As to item (4), it is noted that the second inventor was listed as "George E. Graddy, Jr." on the Request form in the international phase and the name on the declaration matches the international application, though not the publication.

Item (2) has not been satisfied. Applicants are attempting to establish refusal to sign the declaration papers after presentation with a complete copy of the application papers. First, while the letter to the inventor states that a copy of the application was enclosed, the statement of facts

does not state that a complete copy of the application papers, including the declaration were sent to the inventor. Second, in the statement of facts, Mr. Clark states "to the knowledge of the undersigned counsel, Mr. Salami currently resides at this address." The factual basis for this statement is not clear. Applicants have not furnished copies of internet searches still showing that as the inventor's address. It is not clear whether Mr. Clark is saying to the best of his knowledge it is still Mr. Salami's address or that Mr. Clark knows that Mr. Salami still lived there. Which brings up item three, applicants waived signature on the delivery to Mr. Salami. Without verification that the last known address was still his then address, it is unclear that the package was delivered to Mr. Salami.

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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Commissioner for Patents
United States Patent and Trademark Office
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SEP 12 2011

PCT LEGAL ADMINISTRATION

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

In re Application of
CRUZ, Ben E., et al.
Application No.: 12/682,040
PCT No.: PCT/US2008/080062
Int. Filing Date: 16 October 2008
Priority Date: 17 October 2007
Docket No.: FER-17473.001
For: DIELECTRIC COATING FOR SINGLE SIDED BACK CONTACT SOLAR CELLS

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 06 July 2011.

BACKGROUND

On 08 April 2011, the Office mailed Decision on Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice and setting a two month period for reply.

On 06 July 2011, applicants filed renewed petition under 37 CFR 1.47(a) and the fee for a one month extension of time.

DISCUSSION

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

Items (1),(3) and (4) have been met. The petition fee has been paid. Applicant states the last known address of non-signing inventor Jalal Salami as 816 Settlers Court, San Marcos, CA 92069-1963.

Item (2) has now been satisfied.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **30 September 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 12 2011

PCT LEGAL ADMINISTRATION

Jalal Salami
816 Settlers Court
San Marcos, CA 92069-1963

In re Application of
CRUZ, Ben E., et al.
Application No.: 12/682,040
PCT No.: PCT/US2008/080062
Int. Filing Date: 16 October 2008
Priority Date: 17 October 2007
Docket No.: FER-17473.001
For: DIELECTRIC COATING FOR SINGLE SIDED BACK CONTACT SOLAR CELLS

Dear Mr. Salami:

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

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

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UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS NJ 07632-3100

In re Application of :
PYE, Susan, et al. :
Application No.: 12/682,060 :
PCT No.: PCT/EP2008/063401 :
Int. Filing Date: 07 October 2008 :
Priority Date: 10 October 2007 :
Attorney Docket No.: J3895(C) :
For: METHOD OF TREATING HAIR :

DECISION ON

PETITION

UNDER 37 CFR 1.182

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 07 December 2010.

BACKGROUND

On 25 May 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. It set a two month period for response with extensions of time available under 37 CFR 1.136(a).

On 23 June 2010, applicants filed a declaration of the inventors and the surcharge.

On 06 July 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the name of the first inventor did not match that inventor's name in the international application and that a new declaration or an explanation was required. It set a one month time limit or the time remaining in the Notification of Missing Requirements.

On 16 September 2010, applicants submitted an altered copy of the 23 June 2010 declaration with a two month extension of time.

On 07 December 2010, applicants filed a petition under 37 CFR 1.182 to correct the inventor's name.

DISCUSSION

The 16 September 2010 submission of an altered declaration was not the required reply set forth in the Notification of Defective Response. The time period continued to run. Further, applicant is reminded that the MPEP states "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after

execution by the applicant." MPEP 605.04(a). The balance of the five month extension of time fee will be charged to deposit account no. 12-1155, as authorized.

Applicants have supplied a statement from inventor Pye stating that she is the inventor in application 12/682,060 and while previously known as "Susan Brownbill," is now "Susan Pye" subsequent to her divorce.

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

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.
12/682,060	09/16/2010	Susan Pye	J3895(C)	1281

201 7590 07/26/2011

UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS, NJ 07632-3100

EXAMINER	
ART UNIT	PAPER NUMBER
3776	

NOTIFICATION DATE	DELIVERY MODE
07/26/2011	ELECTRONIC

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

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

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

patentgroupus@unilever.com

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UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS NJ 07632-3100

In re Application of:
PYE, SUSAN, et al
Serial No.: 12/682060
Filed: 09/16/2010
Attorney Docket No. : J3895(C)
Title: METHOD OF TREATING HAIR

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 8, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) 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.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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YOUNG & THOMAS
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of :
Mathieu **LAURENCIN et al** :
Application No. 12/682,129 : DECISION ON PETITION
Filed: July 26, 2010 :
Attorney Docket No. 0508-1256 :

This is a decision on the petition under 37 CFR 1.59(b), filed July 2, 2010, to expunge information from the above identified application. The petition will be considered under 37 CFR 1.182.

The petition is **GRANTED**.

Petitioner requests that a document entitled Information Disclosure Statement, filed July 2, 2010, be expunged from the record a signed duplicate document submitted July 2, 2010 be accepted. The petition fee of $400.00 set forth in 37 CFR 1.17(f) has been charged to deposit account 25-0120.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information in application serial no. 12/362,129 that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-27-0602.

/ Thurman K. Page /

Thurman K. Page
Petitions Examiner
Office of Petitions

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UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON, TX 77056

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re Application of AGAPIOU et al :
U.S. Application No.: 12/682,148 :
PCT Application No.: PCT/US2008/011687 :
Int. Filing Date: 09 October 2008 : DECISION
Priority Date Claimed: 11 October 2007 :
Attorney Docket No.: 2007U027.US :
For: CONTINUITY ADDITIVES AND THEIR :
USE IN POLYMERIZATION PROCESSES :

This is in response to applicant's correspondence filed 27 August 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 09 October 2008, applicant filed international application PCT/US2008/011687, which claimed priority of an earlier United States application filed 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2010.

On 08 April 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 27 May 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 27 August 2010, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

The declaration states that joint inventor Steven Ackerman is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed on 27 August 2010 are improper because they fail to state the citizenship of inventor Steven Ackerman as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

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 09 2010

PCT LEGAL ADMINISTRATION

UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON, TX 77056

In re Application of AGAPIOU et al :
U.S. Application No.: 12/682,148 :
PCT Application No.: PCT/US2008/011687 :
Int. Filing Date: 09 October 2008 : DECISION
Priority Date Claimed: 11 October 2007 :
Attorney Docket No.: 2007U027.US :
For: CONTINUITY ADDITIVES AND THEIR :
USE IN POLYMERIZATION PROCESSES :

This is in response to applicant's renewed request for status under 37 CFR 1.42.

BACKGROUND

On 09 October 2008, applicant filed international application PCT/US2008/011687, which claimed priority of an earlier United States application filed 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2010.

On 08 April 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 27 May 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 27 August 2010, applicant filed a request for status under 37 CFR 1.42 along with executed declarations.

On 21 October 2010, this Office mailed a decision dismissing the 27 August 2010 request for status.

On 16 November 2010, applicant filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that joint inventor Steven Ackerman is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed on 16 November 2010 are in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 October 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 November 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

3 AUG 2010

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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

In re Application of	:	
SOECHTIG	:	DECISION ON
Application No.: 12/682,159	:	
PCT No.: PCT/EP2008/063444	:	PAPERS
Int. Filing Date: 17 October 2008	:	
Priority Date: 18 October 2007	:	UNDER 37 CFR 1.42
Attorney's Docket No.: SOCHTIG-4	:	
For: MOULD WITH AN INTEGRATED INJECTOR	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 08 April 2010, which was accompanied by a declaration of inventors. The indication in this declaration that inventor Wolfgang SOECHTIG is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 17 October 2008, applicants filed international application PCT/EP2008/063444 which claimed a priority date of 18 October 2007 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 April 2010 (18 April 2010 being a Saturday).

On 08 April 2010, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication in the declaration that inventor Wolfgang SOECHTIG is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

Under 37 CFR 1.42, the declaration must include the signature of the legal representative or the signature of all of the heirs (or if there is only one heir, the sole heir). The declaration filed 08 April 2010 does not include any signatures. When the declaration is signed by a legal

representative, the declaration should state that this person is the legal representative. Alternatively, applicants' attorney may file a statement certifying that the person signing is the legal representative. When the declaration is not signed by a legal representative and does not indicate that the persons signing are all of the heirs (or the sole heir), then it must be accompanied by a statement by either those signing or by the attorney which sets forth (1) that they are in fact all the heirs of the deceased and (2) that no legal representative of the deceased's estate has been appointed or is required by the applicable law to be appointed.

Additionally, the declaration must include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

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.

Applicant is required to submit a proper declaration 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."

/Daniel Stemmer/

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

14 SEP 2010

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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

In re Application of	:	
SOECHTIG	:	DECISION ON
Application No.: 12/682,159	:	
PCT No.: PCT/EP2008/063444	:	PAPERS
Int. Filing Date: 17 October 2008	:	
Priority Date: 18 October 2007	:	UNDER 37 CFR 1.42
Attorney's Docket No.: SOCHTIG-4	:	
For: MOULD WITH AN INTEGRATED INJECTOR	:	

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 06 November 2009.

BACKGROUND

On 17 October 2008, applicants filed international application PCT/EP2008/063444 which claimed a priority date of 18 October 2007 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 April 2010 (18 April 2010 being a Saturday).

On 08 April 2010, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication in the declaration that inventor Wolfgang SOECHTIG is deceased has been treated as a request for status under 37 CFR 1.42.

On 03 August 2010, a decision was issued refusing applicants' request for status under 37 CFR 1.42

On 20 August 2010, applicants filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The decision mailed 03 August 2010 indicated that the declaration of inventors filed 08 April 2010 did not include any signatures. However, upon further review, it is clear that this statement was in error. The declaration includes the signatures of three heirs, along with the residence, mailing address and citizenship of each of these heirs and the full name and citizenship of the deceased inventor.

The previous decision also indicated that when the declaration is not signed by a legal representative and does not indicate that the persons signing are all of the heirs (or the sole heir), then it must be accompanied by a statement by either those signing or by the attorney which sets forth (1) that they are in fact all the heirs of the deceased and (2) that no legal representative of the deceased's estate has been appointed or is required by the applicable law to be appointed. The renewed petition filed 20 August 2010 includes this statement.

Accordingly, the submissions filed 08 April 2010 and 20 August 2010 are in compliance with 37 CFR 1.42. The declaration filed 08 April 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

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

/Daniel Stemmer/

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

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Alexandria, VA 22313-1450
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

JAN 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
GRINBERG et al.
Application No.: 12/682,163
PCT No.: PCT/IL 08/01323
Int'l Filing date: 06 October 2008
Priority Date: 09 October 2007
Attorney Docket No.: 39511-502N01US
For: OVERPRINTING SYSTEM AND METHOD

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 (USPTO) on 09 November 2010 to correct the international application number.

On 08 April 2010, 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 12/682,163. However, the international application PCT/**IB**08/01323 as indicated on the electronic acknowledgement receipt and transmittal letter differed from the PCT application number PCT/**IL**08/01323 on the amendment to the specification, which accompanied the submission.

On 09 November 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/IL08/01323 on the national stage papers filed on 08 April 2010 is **GRANTED**. The $400 petition fee was paid.

The USPTO records will identify the present application **12/682,163** as the national stage of **PCT/IL08/01323.**

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,184	04/08/2010	Yoshitaka Watanabe	145209	1191

25944 7590 08/03/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
3741	

NOTIFICATION DATE	DELIVERY MODE
08/03/2010	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of: WATANABE, YOSHITAKA et al Serial No.: 12/682,184 Filed: Apr. 8, 2010 Docket: 145209 Title: VEHICLE COOLING CONTROLLER AND COOLING CONTROL METHOD	: DECISION ON REQUEST TO : PARTICIPATE IN PATENT : PROSECUTION HIGHWAY : (PPH) AND PETITION TO : MAKE SPECIAL UNDER 37 : CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 30, 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 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.

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 Michael Cuff, the SPE of Art Unit 3741, and 571-272-6778 for Class 123/041.020 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Coleman Company
3600 North Hydraullic
IP Legal- 11702
WICHITA KS 67219

MAILED

DEC 27 2010

PCT LEGAL ADMINISTRATION

In re Application of :
HARPER, et al. : DECISION ON PETITION
Serial No.: 12/682,207 :
PCT No.: PCT/US2008/079633 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 10 October 2008 :
Priority Date: 10 October 2007 :
Atty Docket No.: Orgtnt-2-6109 :
For: TENT WITH AUTOMATICALLY :
STORING WINDOW AND DOOR :
COVERINGS :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 13 December 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $200.00 petition fee.

BACKGROUND

On 10 October 2008, applicant filed international application PCT/US2008/079633 which claimed priority to a previous application filed 10 October 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 10 April 2010.

On 08 April 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 12 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 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 13 December 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 1-3.

Regarding item 4, applicant has provided a declaration executed by the remaining inventors. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b). Manual of Patent Examining Procedure (MPEP) Section 201.03 explains:

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

In the present case, the filed declaration submitted contains multiple copies of numerous pages of the declaration, i.e. four different front pages but merely two pages listing the seventh and eighth inventors. This suggests that the inventors were not presented with complete declarations or that the returned pages were compiled into a single declaration. Either scenario renders the declaration non-compliant.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

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

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

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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The Coleman Company
3600 North Hydraullic
IP Legal- 11702
WICHITA KS 67219

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HARPER, et al. : DECISION ON PETITION
Serial No.: 12/682,207 :
PCT No.: PCT/US2008/079633 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 10 October 2008 :
Priority Date: 10 October 2007 :
Atty Docket No.: Orgtnt-2-6109 :
For: TENT WITH AUTOMATICALLY :
STORING WINDOW AND DOOR :
COVERINGS :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 22 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 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 22 February 2011, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 27 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 1-3.

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining item. The filed declaration is in compliance with 37 CFR 1.497(a)-(b) and therefore it is proper to grant applicant's renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 10 October 2008 under 35 U.S.C. 363, and will be given a date of **22 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

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P.O. Box 1450
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Mr. Chun Ming Feng
Room 318
No. 371 Xihua Road
Yuexiu District
Guangzhou
CHINA

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
HARPER, et al.
PCT No.: PCT/US2008/079633
Application No.: 12/682,207
Int. Filing Date: 10 October 2008
Priority Date: 04 October 2007
Atty. Docket No.: Orgtnt-2-6109
For: TENT WITH AUTOMATICALLY STORING WINDOW AND DOOR COVERINGS

Dear Mr. Feng:

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:

The Coleman Company
3600 North Hydraullic
IP Legal- 11702
WICHITA KS 67219
United States of America

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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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Mr. Hui Qiang Yu
Room 303, No. 15 Chui Ying Street
LuoChongWei
Guangzhou
CHINA 510000

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
HARPER, et al.
PCT No.: PCT/US2008/079633
Application No.: 12/682,207
Int. Filing Date: 10 October 2008
Priority Date: 04 October 2007
Atty. Docket No.: Orgtnt-2-6109
For: TENT WITH AUTOMATICALLY STORING WINDOW AND DOOR COVERINGS

Dear Mr. Yu:

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:

The Coleman Company
3600 North Hydraullic
IP Legal- 11702
WICHITA KS 67219
United States of America

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KILE GOEKJIAN LERNER & REED PLLC
1200 NEW HAMPSHIRE AVENUE, NW
SUITE 570
WASHINGTON, DC 20036

MAILED
OCT 31 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
LEE	:	
U.S. Application No.: 12/682,247	:	DECISION ON PETITION
PCT No.: PCT/KR2009/000244	:	
Int. Filing Date: 16 January 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 18 January 2008	:	
Attorney Docket No.: None	:	
For: INFRARED RADIATION COOKER	:	

The petition to revive under 37 CFR 1.137(b) filed 23 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has now provided payment of all necessary fees liste on the Form PCT/DO/EO/923 mailed 10 May 2010 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,268	04/01/2011	Vincent Couderc	69316-3002	1936

94822 7590 10/25/2011

Seyfarth Shaw LLP
Two Seaport Lane, Suite 300
Boston, MA 02210

EXAMINER
LAUCHMAN, LAYLA G

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
10/25/2011	PAPER

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Seyfarth Shaw LLP
Two Seaport Lane, Suite 300
Boston MA 02210

Applicant: Couderc et al.
Appl. No.: 12/682,268
Filing Date: April 1, 2011
Title: METHOD AND DEVICE FOR CHARACTERIZING MICROSCOPIC ELEMENTS
Attorney Docket No.: 69316-3002
Pub. No.: US 2011/0199609 A1
Pub. Date: August 18, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 18, 2011, for the above-identified application.

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

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

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

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

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

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

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

By facsimile: 571-273-8300

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

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

Adjustment date: 10/25/2011 KKING1
10/18/2011 INTEFSW 00007922 505180 12682268
01 FC:1504 300.00 CR

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General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484

MAILED

SEP 16 2011

PCT LEGAL ADMINISTRATION

In re Application of: WEINMANN
Application No. 12/682,302 :
PCT No.: PCT/EP2008/063683 :
Int. Filing Date: 10 October 2008 :
Priority Date: 17 October 2007 : DECISION ON PETITION
Attorney Docket No.: 226893-3 : UNDER 37 CFR 1.181
For: CHIP COOLING DEVICE HAVING :
WEDGE ELEMENT :

This decision is issued in response to applicant's "Response to Notification of Defective Response and Request for Withdrawal of Abandonment" under 37 CFR 1.181 filed 11 July 2011. No petition fee is due.

Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is GRANTED and the abandonment has been withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 07 May 2010 and Notification of Defective Response (Form PCT/DO/EO/916) mailed 13 July 2010. A Notification of Abandonment (Form PCT/DO/EO/909) was mailed on 10 March 2011.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 07 May 2010 and Notification of Defective Response (Form PCT/DO/EO/916) mailed 13 July 2010 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. Applicant states in the present petition that "the Application is clearly not drawn to any subject matter relating to gene or amino acid sequence. Rather, the application describes a device for cooling integrated semiconductor compenents. . . ." Applicant's explanation is accepted and noted for the record. As such, the Notification of Defective Response (Form PCT/DO/EO/916) mailed 13 July 2010 is hereby vacated.

The Notification of Abandonment mailed 10 March 2011, based as it was on applicants' purported failure to file a timely response to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 07 May 2010 and Notification of Defective Response (Form PCT/DO/EO/916), is appropriately vacated.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,339	04/09/2010	Hiroki Takahashi	029437-0124	2310

22428 7590 03/11/2011

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
DECADY, ALBERT	
ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
03/11/2011	PAPER

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Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of: H. TAKAHASHI.
Application No. 12/682,339
Attorney Docket #: **029437-0124**
Filed: April 9 , 2010
For: **DESIGN MANAGEMENT DEVICE, PRODUCTION MANAGEMENT DEVICE, PRODUCTION MANAGEMENT SYSTEM**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 22, 2010 to make the above-identified application special.

The petition is **DISMISSED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

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

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

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

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

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

> Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The request to participate in the PPH pilot program and petition fails to meet item 3 of the requirements listed above.

Specifically, Item 3 states that Applicant must: ensure all the claims in the U.S. application sufficiently correspond or are amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). However, the claims in the US application seem to be of a different scope that the counterpart claims in the Japanese application.

For instance, Claim 6, of the US application recites "storing unit design data for a unit of assembled parts produced so as to include a plurality of minimum unit parts together with corresponding part design data for said minimum unit parts;
storing product design data for said final produced product produced so as to a plurality of units [[unit]] of assembled parts together with said corresponding unit design data;..."
whereas the corresponding limitations of the corresponding claim of the corresponding JP application recites "
storing unit design data for a unit of assembled parts produced so as to include a plurality of minimum unit parts together with corresponding part design data ***for each of said minimum unit parts***;
storing product design data for said final produced product produced so as to include a plurality of said units of assembled parts together with said corresponding unit design data ***for each of said units of assembled parts***;.."

Similar differences are also found with respect to 8, 9, 11, 13, and 15 of the US application.

Also, Claim 16 of the US application, for instance, recites "a product production data structure storing product production data for said final produced product produced so as to

include a plurality of units of assembled parts ***together with said corresponding unit production data;***

whereas the corresponding limitations of the corresponding claim of the corresponding JP application recites "a product production data structure storing product production data for said final produced product produced so as to include a plurality of units of assembled parts;.."

The above are just illustrations of the claim language making a difference in scope of the respective claims. Applicants must review all the claims in the instant US application, and make sure they are amended to correspond in scope with the corresponding allowed claims in the Japanese application.

The Petition is **DISMISSED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,339	04/09/2010	Hiroki Takahashi	029437-0124	2310

22428 7590 06/13/2011

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
DECADY, ALBERT	
ART UNIT	**PAPER NUMBER**
2121	

MAIL DATE	DELIVERY MODE
06/13/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of: H. TAKAHASHI.
Application No. 12/682,339
Attorney Docket #: **029437-0124**
Filed: April 9 , 2010
For: **DESIGN MANAGEMENT DEVICE, PRODUCTION MANAGEMENT DEVICE, PRODUCTION MANAGEMENT SYSTEM**

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 11, 2011 to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

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

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

(5) Applicant must submit:

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

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

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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INTELLECTUAL PROPERTY DEPT.
DEWITT ROSS & STEVENS SC
2 EAST MIFFLIN STREET
SUITE 600 MADISON, WI 53703-2865

MAILED
JUN 27 2011
OFFICE OF PETITIONS

Applicant: Anthony Nichol
Appl. No.: 12/682,387
International Filing Date: October 7, 2008
Title: LIGHT COUPLING INTO ILLUMINATED FILMS
Attorney Docket: 77498.002
Pub. No.: US 2010/0214786 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 September 7, 2010 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error wherein the Article 34 amendment filed August 7, 2009, was not included in the publication.

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

The error noted by requestor with respect to the Article 34 amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an 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).

The requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the publication may be based upon amendments to the specification that are reflected in a substitute specification, provided that such substitute specification is submitted before technical preparations for publication have begun, generally four months before the projected date of publication. (emphasis added) § 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

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

Applicants' request for a corrected patent application publication on September 7, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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JOHNSON & ASSOCIATES
PO BOX 90698
AUSTIN, TX 78709-0698

In re Application of SINCLAIR	:	
U.S. Application No.: 12/682,388	:	
PCT Application No.: PCT/GB2008/002989	:	DECISION
Int. Filing Date: 04 September 2008	:	
Priority Date Claimed: 12 September 2007	:	
Attorney Docket No.: JJ05458US	:	
For: WATER SAVING APPARATUS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 15 July 2010.

BACKGROUND

On 04 September 2008, applicant filed international application PCT/GB2008/002989, which claimed priority of an earlier United Kingdom application filed 12 September 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 19 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 12 March 2010.

On 13 March 2010, international application PCT/GB2008/002989 became abandoned as to the United States for failure to timely pay the basic national fee.

On 15 July 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.

The application has an International Filing Date under 35 U.S.C. 363 of 04 September 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 April 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-EP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

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

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

Application No.:	12/682,409	First Named Inventor:	Joel Tiphonnet
Filing Date:	04/09/2010	Attorney Docket No.:	49801-002US1
Title of the Invention:	SELF-DISPENSING DENTAL FLOSS APPLICATOR		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2008/063328

The international filing date of the corresponding PCT application(s) is/are: October 6, 2008

I. **List of Required Documents:**

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

☐ is attached.

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

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

☐ is attached.

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

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

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

☐ is attached.

☑ has already been filed in the above-identified U.S. application on _____

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

☐ are attached.

☑ have already been filed in the above-identified U.S. application on _____

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 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/682,409	First Named Inventor:	Joel Tiphonnet

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	Essentially the same, US claim amended to remove reference numerals
2	2	Essentially the same, US claim amended to remove reference numerals
3	3	Essentially the same, US claim amended to remove reference numerals
4	4	US claim amended to remove multidependencies and reference numerals
5	5	US claim amended to remove multidependencies and reference numerals
6	6	Claims are identical
7	7	US claim amended to remove multidependencies and reference numerals
8	8	Essentially the same, US claim amended to remove reference numerals
9	9	US claim amended to remove multidependencies and reference numerals
10	10	US claim amended to remove multidependencies and reference numerals
11	11	US claim amended to remove multidependencies and reference numerals
12	12	US claim amended to remove multidependencies and reference numerals
13	13	US claim amended to remove multidependencies and reference numerals
14	14	Claims are identical
15	15	Essentially the same, US claim amended to remove reference numerals
16	16	Claims are identical
17	17	Same text except possibly indefinite exemplary language moved to claim 18.
18	18	Same as claim 17 but includes preferred embodiment recited with exemplary language in claim 18.

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

Signature	F.A. Lichauco	Date	March 15, 2012
Name (Print/Typed)	Faustino A. Lichauco	Registration Number	41,942

24 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
9P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA VA 22314

In re Application of :
POST, Richard Karl :
Application No.: 12/682,410 :
PCT No.: PCT/EP2008/052506 : NOTIFICATION
Int. Filing Date: 29 February 2008 :
Priority Date: 22 June 2007 :
Attorney Docket No.: R.320571 :
For: HYDRAULIC PISTON PUMP :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 09 April 2010, 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 both PCT/EP2008/052506 and PCT/EP2008/062506.

DISCUSSION

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number.

As applicants have listing conflicting international application numbers, applicant is required to identify which application number is correct and to furnish a petition under 37 CFR 1.182 along with the fee to correct the erroneous indication.

CONCLUSION

A proper response is required within **TWO (2) MONTHS** of the mailing of this notification. Failure to timely reply will result in the 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

Commissioner for Patents
United States Patent and Trademark Office
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DEC 23 2010

PCT LEGAL ADMINISTRATION

RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA VA 22314

In re Application of :
POST, Richard Karl :
Application No.: 12/682,410 :
PCT No.: PCT/EP2008/062506 : DECISION
Int. Filing Date: 19 September 2008 :
Priority Date: 12 October 2007 :
Attorney Docket No.: R.320571 :
For: HYDRAULIC PISTON PUMP :

This decision is in response to applicant's Response to Notification of Conflicting International Application Numbers, filed 25 October 2010. It is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 24 September 2010, the Office sent Notification indicating that applicant's national phase submission claimed it was the national phase entry of both PCT/EP2008/052506 and PCT/EP2008/062506.

On 25 October 2010, applicant filed this petition under 37 CFR 1.182 and indicated that the application was a national phase entry of PCT/EP2008/062506.

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/EP2008/062506. 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/EP2008/062506.

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

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RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED
AUG 17 2011
OFFICE OF PETITIONS

In re Application of :
Manus Tsui :
Application No. 12/682,422 :
Filed: April 9, 2010 :
Attorney Docket No. M006-7017US1 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 18, 2011.

The request is **NOT APPROVED**.

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

The request was signed by John A. Rissman on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Further, the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on July 18, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

(1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;

(2) **delivered** to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property (including funds) to which the client is entitled have been **delivered** to the client or a duly authorized representative. Instead petitioner asserts that "we have made the files, papers and property of client available to the client for disposition in the event that these items cannot be sent to the client." Item (2) requires that petitioner deliver these items to the client or a duly authorized representative of the client.

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

Currently, there is no outstanding Office action that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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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RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Manus Tsui :
Application No. 12/682,422 : DECISION ON PETITION
Filed: April 9, 2010 TO WITHDRAW FROM RECORD
Attorney Docket No. M006-7017US1 :
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2011.

The request is **APPROVED**.

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

The request was signed by John A. Rissman on behalf of all attorneys of record who are associated with Customer Number 21127.

All attorneys/agents associated with the Customer Number 21127 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Manus Tsui
#36 – 7691 Moffatt Road
Richmond, British Columbia V6Y X9 Canada

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09 SEP 2010

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02101
SUNSTEIN KANN MURPHY & TIMBERS LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of
WLACH *et al*
Application No.: 12/682,455
PCT No.: PCT/EP2008/008664
Int. Filing Date: 13 October 2008
Priority Date: 12 October 2007
Attorney Docket No.: 3059H/131
For: METHOD FOR CONNECTING A FIRST MATERIAL TO A SECOND MATERIAL IN AIRCRAFT CONSTRUCTION

DECISION

This decision is in response to the "Petition for Change in Name of Inventor" filed 19 July 2010. These papers are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 19 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 19 July 2010, applicants filed the subject petition which was accompanied by, *inter alia*, an affidavit of the inventor whose name is being changed, the petition fee, an executed declaration and a $130.00 surcharge fee.

DISCUSSION

MPEP § 605.04(c) lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

The $400.00 petition fee was paid. Applicants provided an affidavit of the inventor setting forth both names as required. The affidavit states that "[t]he procedure by which the name change was effected was : Inventor Sabine WLACH changed her

name on August 06, 2009 in Sabine METZECH."

This is not acceptable.

The statement in the affidavit does not address the procedure whereby the change of name was effected. Applicants also did not provide a certified copy of the court order.[1]

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

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

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] It is noted that the petition states that "[a]ttached documentation shows the procedure by which the change of name was effected." However, no such documentation was included with the petition.

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PCT LEGAL ADMINISTRATION

02101
SUNSTEIN KANN MURPHY & TIMBERS LLP
125 Summer Street
Boston, MA 02110-1618

In re Application of
WLACH *et al*
Application No.: 12/682,455
PCT No.: PCT/EP2008/008664
Int. Filing Date: 13 October 2008
Priority Date: 12 October 2007
Attorney Docket No.: 3059H/131
For: METHOD FOR CONNECTING A FIRST MATERIAL TO A SECOND MATERIAL IN AIRCRAFT CONSTRUCTION

DECISION

This decision is in response to the renewed petition under 37 CFR 1.182 filed 09 November 2010.

BACKGROUND

On 09 September 2010, a decision dismissing applicants' petition to change the name of an inventor was mailed. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 09 November 2010, applicants filed the subject response which was accompanied by, *inter alia*, an affidavit of the inventor whose name is being changed, a supplemental ADS, and a copy of a certificate in a foreign language with an accompanying English translation.

DISCUSSION

As previously stated, MPEP § 605.04(c) lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

The prior decision noted that the statement by the inventor submitted with the original did not address the procedure whereby the change of name was effected, or provide a certified copy of the court order.

In the renewed petition, applicants included a certified copy of the order of the City of Delmenhorst showing that Sabine WLACH changed her name on 06 August 2009 to Sabine METZECH.

This is sufficient for a grantable petition.

CONCLUSION

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

The declaration filed 19 July 2010 is not accepted for the following reason.

The declaration lists the first named inventor as Sabine WLACH (METZECH) and was signed on 28 July 2010. However, the inventor had already changed her name to Sabine METZECH on 06 August 2009. As such, this declaration does not properly identify each inventor and is not in compliance with 37 CFR 1.497(a)(3).

A new declaration is required 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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Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of Metzech et al. :
Application No. 12/682,455 :
Int'l Filing Date: October 13, 2008 : Decision on Request
Attorney Docket No. 3767A/1017 :
Pub. No. US 2011/0284691 A1 :
Pub. Date: November 24, 2011 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 7, 2011.

The request is **dismissed**.

Applicants request 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 an Office mistake. Although the Office granted a petition changing the first inventor's name on January 6, 2011, the Office was not required to use the new name for the inventor when publishing the application. In other words,

[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).

the Office's failure to include the new name for the first inventor in the publication was not an Office mistake.

Even if the failure to include the new name for the first inventor in the patent application publication was an Office mistake, relief would be inappropriate under 37 C.F.R. § 1.221(b) because the mistake is not a material mistake. Specifically, the mistake does not affect 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. *See* MPEP § 1130(B).

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

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

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

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

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

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/682,460	04/09/2010	Naoko Okazaki	5341-178PUS	3037

27799 7590 08/11/2010

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER	
JONES, JAMES	
ART UNIT	PAPER NUMBER
2873	
MAIL DATE	DELIVERY MODE
08/11/2010	PAPER

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

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

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of
OKAZAKI et al
Application No.: 12/682,460
Filed: 09 April 2010
Attorney Docket No.: 5341-178PUS
For: METHOD FOR PRODUCING WAFER LENS ASSEMBLY AND METHOD FOR PRODUCING WAFER LENS

: 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 21 June 2010 and renewed 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 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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551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

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OFFICE OF PETITIONS

In re Application of :
Okazaki et al. :
Application No. 12/682,460 : DECISION ON PETITION
Filed: April 9, 2010 :
Attorney Docket No. 5341-178PUS :

This is a decision on the renewed petition, filed January 31, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowance mailed September 30, 2010, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on January 13, 2011.

Petitioner asserts that the Notice of Allowance dated September 30, 2010 was not received.

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

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

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

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

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

This application is being referred to the Technology Center technical support staff of Art Unit 2181 for re-mailing the Notice of Allowance of September 30, 2010. The period for reply will run from the mailing date of the Notice of Allowance.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

13 AUG 2010

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ALEXANDRIA, VA 22313-1450
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

In re Application of EGGERS et al	:	
U.S. Application No.: 12/682,488	:	
PCT Application No.: PCT/EP2008/063690	:	
Int. Filing Date: 10 October 2008	:	
Priority Date Claimed: 10 October 2007	:	
Attorney Docket No.: 50304/243001	:	DECISION
For: METHOD AND APPARATUS FOR AUTOMATIC SUPPORT GENERATION FOR AN OBJECT MADE BY MEANS OF A RAPID PROTOTYPE PRODUCTION METHOD	:	

This is in response to applicant's petition filed 28 June 2010, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 10 October 2008, applicant filed international application PCT/EP2008/063690, which claimed priority of an earlier United Kingdom application filed 10 October 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 16 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2010.

On 09 April 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 04 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 10 April 2010 as the date of completion of all 37 U.S.C. 371 requirements.

On 28 June 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the date of completion of all 35 U.S.C. 371 requirements should be 09 April 2010 rather than 10 April 2010. A review of the application file reveals that applicant made an express request to begin early national stage processing under 35 U.S.C. 371(f) in the transmittal letter filed on 09 April 2010. Accordingly, the date of completion of all 35 U.S.C. 371 requirements was 09 April 2010 pursuant to MPEP 1893.03(b).

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 04 June 2010 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) which should indicate 09 April 2010 as the date of completion of all 37 U.S.C. 371 requirements.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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MICHAEL BEST & FRIEDRICH LLP
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE, SUITE 2000
CHICAGO, IL 60601

MAILED
MAY 25 2011
PCT LEGAL ADMINISTRATION

In re Application of MACBAIN et al :
U.S. Application No.: 12/682,558 :
PCT Application No.: PCT/US2008/079744 :
Int. Filing Date: 13 October 2008 :
Priority Date Claimed: 11 October 2007 : DECISION
Attorney Docket No.: 016891-9023-01 :
For: METHOD AND APPARATUS FOR TEACHING A CHILD WITH AN ELECTRONIC DEVICE :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 31 March 2011.

BACKGROUND

On 13 October 2008, applicant filed international application PCT/US2008/079744, which claimed priority of an earlier United States application filed 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2010.

On 09 April 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 01 September 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 31 March 2011, 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 Gary Aigner refuses to sign the application papers. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) for signature. Although the petition illustrates that declaration and assignment documents were sent to Aigner, it has not been shown that the specification, claims, and drawings were ever received by Aigner. As set forth above, 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, applicant has provided the requisite petition fee.

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

CONCLUSION

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

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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MICHAEL BEST & FRIEDRICH LLP
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE, SUITE 2000
CHICAGO, IL 60601

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PCT LEGAL ADMINISTRATION

In re Application of MACBAIN et al :
U.S. Application No.: 12/682,558 :
PCT Application No.: PCT/US2008/079744 :
Int. Filing Date: 13 October 2008 :
Priority Date Claimed: 11 October 2007 : DECISION
Attorney Docket No.: 016891-9023-01 :
For: METHOD AND APPARATUS FOR :
TEACHING A CHILD WITH AN :
ELECTRONIC DEVICE :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 25 July 2011.

BACKGROUND

On 13 October 2008, applicant filed international application PCT/US2008/079744, which claimed priority of an earlier United States application filed 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 April 2010.

On 09 April 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 01 September 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 31 March 2011, applicant filed a petition under 37 CFR 1.47(a).

On 25 May 2011, this Office mailed a decision dismissing the 31 March 2011 petition.

On 25 July 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition is accompanied by a declaration executed by the previously nonsigning joint inventor Gary Aigner. This is a proper response to the decision mailed 25 May 2011.

CONCLUSION

For the reasons above, the 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 13 October 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: AMPT-Radio-USNP	Application Number (if known): 12/682,559	Filing date: 2010-04-09
First Named Inventor: Douglas S. Schatz		
Title: High Efficiency Remotely Controllable Solar Energy System		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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: Second Preliminary Amendment, Two Information Disclosure Statements along with Foreign and NPL references cited, Firm Letter of Transmittal, Electronic Patent Application Fee

Signature /Nicole A. Ressue/	Date 2010-08-18
Name (Print/Typed) Nicole A. Ressue	Registration Number 48665

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

☐ *Total of 1 forms are submitted.

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

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

Filed via Electronic Filing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	12/682,559
Filed:	April 9, 2010
Applicants:	Douglas S. Schatz, Robert M. Porter, Anatoli Ledenev
Title:	High Efficiency Remotely Controllable Solar Energy System
Group Art Unit:	
Examiner:	
Assignee:	AMPT, LLC
Attorney Docket::	AMPT-Radio-USNP
Customer No.:	33549
Confirmation No.:	3596

STATEMENT OF THE BASIS FOR SPECIAL STATUS

The basis for special status is that the invention materially contributes to development of renewable energy resources or energy conservation. Conventional solar power technologies often may suffer from unacceptably high power loss due to inefficient conversion of solar energy into electricity usable by power grids or the like, thus decreasing the economic viability and widespread adoption of these technologies. This invention complies with the materiality standard by providing methods focused on photovoltaic techniques specifically tailored to solar power applications that can allow remote control and analysis for overall field power control to harvest maximum power from a solar panel or strings of panels, so that this power can be provided for AC use, perhaps for transfer to a power grid or the like.

Dated this 18th day of August, 2010.

Respectfully submitted,
SANTANGELO LAW OFFICES, P.C.

By: /Nicole A. Ressue/
Nicole A. Ressue
Attorney for Assignee
PTO No. 48,665
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 22 2010

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

PCT LEGAL ADMINISTRATION
SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of	:	
SCHATZ et al.	:	DECISION
Application No.: 12/682,559	:	
PCT No.: PCT/US2008/070506	:	
Int. Filing Date: 18 July 2008	:	
Priority Date: 15 October 2007	:	
Attorney's Docket No.: AMPT-Radio-USNP	:	
For: HIGH EFFICIENCY REMOTELY CONTROLLABLE SOLAR ENERGY SYSTEM	:	

This decision is in response to applicants' petition under 37 CFR 1.181 filed 07 September 2010.

BACKGROUND

On 18 July 2008, applicants filed international application PCT/US2008/070506 which designated the U.S. and claimed a priority date of 15 October 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 April 2009. The thirty-month period for paying the basic national fee in the United States expires at midnight on 15 April 2010.

On 09 April 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 declaration of inventors, and a preliminary amendment. The preliminary amendment reduced the number of claims to 47 total claims including 3 independent claims. Applicants paid the excess claim fee for the additional 27 claims which came to $702.

On 18 August 2010, applicants filed a second preliminary amendment. This amendment reduced the total number of claims to 20 and the number of independent claims to 1.

On 31 August 2010, a refund of $546 was processed.

On 03 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 and a Filing Receipt. The Filing Receipt indicated the total number of claims as 26 and the number of independent claims as 3.

On 07 September 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the total number of claims and the number of independent claims as of 03 September 2010 be clarified and that the fees for claims in excess of 20 be clarified as well.

Fees

As noted by applicants, the second preliminary amendment filed 18 August 2010 has no bearing on the claim fees paid on 09 April 2010. Accordingly, the refund of $546 processed on 31 August 2010 was in error. Accordingly, the $546 has been charged again to the credit card associated with this case.

Claims

As noted by applicants, the total number of claims is 20 including 1 independent claim.

CONCLUSION

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

/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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,559	04/09/2010	Douglas S. Schatz	AMPT-Radio-USNP	3596

33549 7590 11/09/2010
SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

EXAMINER	
ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
11/09/2010	ELECTRONIC

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

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

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

BarbH@idea-asset.com
CherylS@idea-asset.com
SantangeloLawOfficesPTOnotices@yahoo.com

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Alexandria, VA 22313-1450
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SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of	:	
SCHATZ et al.	:	DECISION ON PETITION
Application No. 12/682,559	:	TO MAKE SPECIAL UNDER
Filed: April 09, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. AMPT-Radio-USNP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,587	04/09/2010	Patrick Sulem	30847/45338	3774

7590 12/05/2011

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

EXAMINER	
JOHANNSEN, DIANA B	

ART UNIT	PAPER NUMBER
1634	

NOTIFICATION DATE	DELIVERY MODE
12/05/2011	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.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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27799
COHEN PONTANI LIEBERMAN & PAVANE LLP
551 Fifth Avenue, Suite 1210
New York, NY 10176

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DEC 10 2010

PCT LEGAL ADMINISTRATION

In re Application of :
GRANT, Richard :
U.S. Application No.: 12/682,635 :
PCT No.: PCT/US2008/011736 :
Int. Filing Date: 14 October 2008 :
Priority Date: 11 October 2007 :
Attorney Docket No.: 5650-9PUS :
For: METHOD FOR PROCESSING :
TELEPHONE ORDERS :

DECISION

This decision is in response to the declaration filed on 17 September 2010.

BACKGROUND

On 18 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing requirements (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee. Applicant was given two months to respond.

On 17 September 2010, applicant filed the subject response which included an executed declaration, a two-month extension and $245.00 extension fee, and a $65.00 surcharge fee.

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.

Applicant submitted a declaration executed by Maureen Winter as the legal representative of deceased inventor, Richard GRANT. The declaration lists the name and citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3). The declaration also records the citizenship, residence and mailing address of the legal representative pursuant to 37 CFR 1.497(b)(2).

The declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 October 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 17 September 2010.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,644	04/12/2010	Bong Kwon Cho	653-0004	4461

60803 7590 06/14/2011

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

EXAMINER	
MAYO III, WILLIAM H	
ART UNIT	**PAPER NUMBER**
2835	

MAIL DATE	DELIVERY MODE
06/14/2011	PAPER

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

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

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

In re Application of
CHO et al.
Application No.: 12/682,644
Filed: 12 April 2010
Attorney Docket No.: 653-0004
For: HIGHLY FOAMED COAXIAL CABLE

: 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 08 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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

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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10 AUG 2010

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92793
OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of :
RANCIEN *et al* :
U.S. Application No.: 12/682,645 :
PCT No.: PCT/FR2008/051832 :
Int. Filing Date: 09 October 2008 :
Priority Date: 12 October 2007 : **DECISION ON**
Attorney Docket No.: 145249 : **PETITION**
For: A SHEET INCLUDING AT LEAST ONE WATERMARK OR PSEUDO-WATERMARK THAT IS OBSERVABLE FROM ONLY ONE FACE OF THE SHEET : **UNDER 37 CFR 1.497(d)**

This is a decision on the request for correction of inventorship filed 25 May 2010 which is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 13 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed stating that an oath or declaration in compliance with 37 CFR 1.497(a) & (b) and a $130.00 surcharge fee was required. Applicants were given two months to respond.

On 25 May 2010, applicants filed the subject request to correct inventorship which was accompanied by, *inter* alia, a statement from the inventor being added; a $130.00 processing fee; a $130.00 surcharge fee; a consent by the assignee; a copy of the actual assignment; and an executed declaration.

DISCUSSION

Applicants request to add Manuel DELOCHE as an inventor in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application. 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this

section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicants provided a statement of the inventor being added. The $130.00 processing fee has been paid. A consent of assignee signed by Mr. William Nivol of Arjowiggins Security was submitted. Mr. Nivol states that he has the authority to sign on behalf of the assignee, *See* MPEP § 324. A copy of the assignment and a statement that the assignment is concurrently being submitted for recordation was also provided. The assignment was recorded on 25 May 2010.

All items of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add Manuel DELOCHE as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 October 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 25 May 2010.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,711	04/12/2010	Yasuyuki Kato	1152-0366PUS1	4914

2292 7590 07/26/2011

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

EXAMINER	
NGUYEN, HANH N	

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
07/26/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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

In re Application of: Kato et al.
Application No. 12/682711
Filed: 04/12/10
For: MOBILE COMMUNICATIONS SYSTEM, BASE STATION APPARATUS, MOBILE STATION APPARATUS AND MOBILE COMMUNICATIONS METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 6, 2011 to make the above-identified application special.

The petition is **GRANTED.**

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

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

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

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

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

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

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

(7) The required petition fee under 37 CFR 1.17(h) if filed before May 25, 2010. The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

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

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

__/Tod Swann/_____
Tod Swann
Quality Assurance Specialist
Technology Center 2400

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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Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington DC 20006-1109

MAILED

JAN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MALCUIT et al. :
Application No.: 12/682,712 : DECISION ON PETITION
PCT No.: PCT/US2008/011669 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 10 October 2008 :
Priority Date: 12 October 2007 :
Attorney Docket No.: 75820.125010 :
For: IMPROVED METHODS OF PRODUCING RPE CELLS AND COMPOSITIONS OF RPE CELLS

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 14 December 2010.

BACKGROUND

On 10 October 2008, applicants filed international application PCT/US2008/011669 which claimed a priority date of 12 October 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 April 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 11 December 2009.

On 12 April 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); a copy of the international application; a preliminary amendment; and an application data sheet.

On 14 May 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 14 December 2010, applicants filed a declaration executed by four of the five joint-inventors and a petition under 37 CFR 1.47(a). The petition seeks acceptance of the application without the signature of joint- inventor, Pedro E. Huertas.

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 Pedro E. Huertas 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 applicants have not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor, Pedro E. Huertas. Petitioner states that a copy of the application papers were sent (via postal mail) to Pedro E. Huertas on July 29, 2010 and that the mailing 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. Applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Pedro E. Huertas. 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 Pedro E. Huertas 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington DC 20006-1109

MAILED

MAY 18 2011

PCT LEGAL ADMINISTRATION

In re Application of: MALCUIT et al.
Application No.: 12/682,712
PCT No.: PCT/US2008/011669
Int. Filing Date: 10 October 2008
Priority Date: 12 October 2007
Attorney Docket No.: 75820.125010
For: IMPROVED METHODS OF PRODUCING RPE CELLS AND COMPOSITIONS OF RPE CELLS

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the "Renewed Petition under 37 CFR 1.47(a) for Acceptance of Application with One Non-signing Inventor" dated 25 February 2011. The petition has not been signed by the applicant herein nor a person registered to practice before the U.S. Patent and Trademark Office. The signature of the patent practitioner has not been included.

37 CFR 1.33(b) states that all papers filed in a patent application must be signed by:

> (1) A patent practitioner of record appointed in compliance with § 1.32(b);
>
> (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Because the present petition is not executed by the inventors/applicants, a patent practitioner, or an assignee that has properly established ownership of the application, the petition is considered an unsigned communication pursuant to 37 CFR 1.33(b). As such, the petition cannot be considered on its merits.

The petition has been placed in the application file, but no further action will be taken thereon. The petition is considered dismissed as moot.

Based on the above, a proper response must be filed within ONE MONTH from the mail date of this decision and must include a proper petition under 37 CFR 1.47(a) that is properly signed under 37 CFR 1.33(b) or a declaration in compliance with 37 CFR 1.497(a)-(b) executed by all of the named inventors. No extensions of this time limit may be obtained under 37 CFR 1.136(a), but the period for response set forth in the Decision on Petition mailed 03 January 2011 may be extended up to a maximum of five months.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUL 26 2011

PCT LEGAL ADMINISTRATION

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington DC 20006-1109

In re Application of:
MALCUIT et al.
Application No.: 12/682,712
PCT No.: PCT/US2008/011669
Int. Filing Date: 10 October 2008
Priority Date: 12 October 2007
Attorney Docket No.: 75820.125010
For: IMPROVED METHODS OF PRODUCING RPE CELLS AND COMPOSITIONS OF RPE CELLS

DECISION ON PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 03 January 2011, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 25 May 2011, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Kenneth J. Kalafus, with accompanying documents, which provides the required firsthand evidence that the nonsigning inventor (Pedro E. Huertas) could not be reached after diligent effort. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor, Pedro E. Huertas.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 26 2011

PCT LEGAL ADMINISTRATION

Pedro E. Huertas
283 Simon Willard Rd.
Concord, MA 01742

In re Application of:
MALCUIT et al.
Application No.: 12/682,712
PCT No.: PCT/US2008/011669
Int. Filing Date: 10 October 2008
Priority Date: 12 October 2007
Attorney Docket No.: 75820.125010
For: IMPROVED METHODS OF PRODUCING RPE CELLS AND COMPOSITIONS OF RPE CELLS

Dear Pedro E. Huertas:

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:
Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington DC 20006-1109

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.
12/682,735	08/13/2010	Paul Van De Loo	1034021-000004	5037

7590 11/21/2011

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
DENION, THOMAS E	
ART UNIT	PAPER NUMBER
3748	
NOTIFICATION DATE	DELIVERY MODE
11/21/2011	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.

Nikki Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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95059
Marina E. Volin
767 Newton-Richboro Road
Richboro, PA 18954

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of
STEELMAN *et al*
U.S. Application No.: 12/682,775
PCT No.: PCT/US2008/011779
Int. Filing Date: 09 October 2008
Priority Date: 11 October 2007
Attorney Docket No.: BHD-4662-1500
For: MATERIAL SHEET AND PROCESS FOR ITS PREPARATION

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the "Petition Under 37 CFR 1.48" filed 26 August 2010 which is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 07 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting additional claim fees, a 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 12 July 2010, applicants submitted a declaration executed by the two named inventors along with a surcharge fee and additional claim fees.

On 26 August 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a statement by the inventor being added; a $130.00 processing fee; a Statement Under 37 CFR 3.73(b); a declaration executed by three inventors; and a copy of an assignment

DISCUSSION

Applicants request to add Valerie S. ZHYLKOV as an inventor in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this

section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Items (1) and (2) of 37 CFR 1.497(d) are complete.

Regarding item (3) of 37 CFR 1.497(d), applicants provided a Statement Under 37 CFR 3.73(b) along with a copy of an assignment. However, applicants must also provide the actual written consent of the assignee for the addition of the inventor. MPEP § 324(V) discusses who must sign such a consent. The Statement Under 37 CFR 3.73(b) is not sufficient in this regard.

For this reason, item (3) of 37 CFR 1.497(d) is not yet satisfied.

CONCLUSION

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

The declaration filed 26 August 2010 is considered a composite declaration and is not acceptable. The declaration contains two Page(s) 4 of 5.

Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). *See* MPEP 605.04(a). Applicants must provide a complete copy of each declaration signed by each inventor.

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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95059
Marina E. Volin
767 Newton-Richboro Road
Richboro, PA 18954

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BROWNELL *et al* :
U.S. Application No.: 12/682,775 :
PCT No.: PCT/US2008/011779 :
Int. Filing Date: 09 October 2008 :
Priority Date: 11 October 2007 :
Attorney Docket No.: AB-100US :
For: MICROWAVE REACTOR :

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 25 January 2011.

BACKGROUND

On 14 January 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.

On 25 January 2011, applicants filed the subject response which was accompanied by, *inter* alia, a written consent of the assignee and a complete copy of the executed declaration.

DISCUSSION

Applicants request to add Valerie S. ZHYLKOV as an inventor in the above-captioned national stage application. However, applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the initial petition filed 26 August 2010. The written consent of the assignee was not provided.

In the renewed petition, applicants provided a written consent of the assignee, AccelBeam Devices LLC, executed by James Hayden Brownell. Mr. Brownell states that he is authorized to act on behalf of the assignee. The statement is sufficient to meet the requirements of MPEP § 324(V)(B). A statement under 37 CFR 3.73 was previously submitted. Item (3) of 37 CFR 1.497(d) is now complete.

All items of 37 CFR 1.497(d) are satisfied.

CONCLUSION

Applicants' renewed request to add Valerie S. ZHYLKOV as an inventor pursuant to 37 CFR 1.497(d) is **GRANTED**.

Applicants provided a complete copy of each declaration signed by the inventors. The declaration 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 09 October 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 25 January 2011.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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	12682775
Filing Date	25-Jan-2011
First Named Inventor	James Brownell
Art Unit	1723
Examiner Name	
Attorney Docket Number	AB-100US
Title	MICROWAVE REACTOR

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 95059

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	ACCELBEAM DEVICES LLC
Address	4 Guyenne Road
City	Wilmington
State	DE
Postal Code	19807
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Marina E Volin/
Name	Marina E Volin
Registration Number	52328

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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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Decision Date : June 7,2011

In re Application of :

James Brownell

Application No : 12682775

Filed : 25-Jan-2011

Attorney Docket No : AB-100US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 7,2011

The request is **APPROVED.**

The request was signed by Marina E Volin (registration no. 52328) on behalf of all attorneys/agents associated with Customer Number 95059 . All attorneys/agents associated with Cusotmer Number 95059 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	ACCELBEAM DEVICES LLC
Name2	
Address 1	4 Guyenne Road
Address 2	
City	Wilmington
State	DE
Postal Code	19807
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 23 2010

PCT LEGAL ADMINISTRATION

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
ATLANTA GA 30309

In re Application of :
LEHMANN, Torsten, et al. :
Application No.: 12/682,780 :
PCT No.: PCT/AU2008/001506 :
Int. Filing Date: 10 October 2008 :
Priority Date: 12 October 2007 :
Docket No.: 62367-393886 :
For: ACTIVE ELECTRODE STATE :
CONTROL SYSTEM :

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 15 September 2010.

BACKGROUND

On 15 June 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that, *inter alia*, an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 15 September 2010, applicants filed a petition under 37 CFR 1.47(a), a declaration and the fee for a one month extension of time.

DISCUSSION

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

Items (1), (3) and (4) have been met. The petition fee has been paid. Applicant states the last known address of Mr. Ibrahim Ibrahim as 1 Salewong Place; Ryde, NSW 2112; Australia. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (2) has not been satisfied. Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with

the application papers and/or to whom the refusal was made. MPEP 409.03(d). Mr. Verga does not contend he has first hand knowledge of either the presentation with a complete copy of the application papers or the statement indicating the inventor did not wish to have further papers forwarded to him.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 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

KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street
Suite 2800
ATLANTA GA 30309

In re Application of	:	
LEHMANN, Torsten, et al.	:	
Application No.: 12/682,780	:	DECISION
PCT No.: PCT/AU2008/001506	:	
Int. Filing Date: 10 October 2008	:	ON PETITION UNDER
Priority Date: 12 October 2007	:	
Docket No.: 62367-393886	:	37 CFR 1.47(a)
For: ACTIVE ELECTRODE STATE CONTROL SYSTEM	:	

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 January 2011.

BACKGROUND

On 23 November 2010, the Office mailed decision on petition under 37 CFR 1.47(a), dismissing applicants' petition without prejudice and setting a two month period for reply.

On 24 January 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), (3) and (4) have been met. The petition fee has been paid. Applicant states the last known address of Mr. Ibrahim Ibrahim as 1 Salewong Place; Ryde, NSW 2112; Australia. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (2) has now been satisfied.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **15 September 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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

APR 04 2011

PCT LEGAL ADMINISTRATION

Ibrahim Ibrahim
1 Salewong Place
Ryde, NSW 2112
Australia

In re Application of
LEHMANN, Torsten, et al.
Application No.: 12/682,780
PCT No.: PCT/AU2008/001506
Int. Filing Date: 10 October 2008
Priority Date: 12 October 2007
Docket No.: 62367-393886
For: ACTIVE ELECTRODE STATE CONTROL SYSTEM

Dear Mr. Ibrahim:

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

KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street
Suite 2800
ATLANTA GA 30309

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.
12/682,818	04/13/2010	Martin Fischer	30020-242US1	6133

80841 7590 04/20/2011

Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER	
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):

info@ORTPATENT.COM

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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
FISCHER et al.	:	DECISION ON PETITION
Application No. 12/682,818	:	TO MAKE SPECIAL UNDER
Filed: April 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-242US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on July 09, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Martin Fischer, et al.	:	
Application No. 12/682,818	:	DECISION GRANTING PETITION
Filed: April 13, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 30020-242US1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 11, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 10, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

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DUANE MORRIS LLP - PHILADELPHIA
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Simardip Kalsi
Application No. 12/682,821
Filed: April 13, 2010
Attorney Docket No. E7097-00010

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 30, 2010.

The request is **APPROVED**.

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

The request was signed by Lewis F. Gould, Jr. on behalf of all attorneys of record who are associated with customer No. 08933. All attorneys/agents associated with the Customer Number 08933 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

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

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

cc: SIMARDIP KALSI, CEO CUMULUS IQ
116 RESEARCH DRIVE, SUITE 122
BETHLIEHEM, PA 18015-4731

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/682,821	04/13/2010	Simardip Kalsi	E7097-00010

CONFIRMATION NO. 6191

POWER OF ATTORNEY NOTICE

8933
DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

Date Mailed: 01/10/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2010.

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

/amwise/

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

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	12682826
Filing Date	13-Apr-2010
First Named Inventor	Zalman Peles
Art Unit	3643
Examiner Name	LISA TSANG
Attorney Docket Number	1700.0022
Title	Electronic Insect Detouring Device Attachable to Domestic Object and Method for Use Thereof

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 75485

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

10.40(b)(4)

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	Zalmen PELES
Address	Kfar Corazim
City	Corazim
State	
Postal Code	12391

Country	IL
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael Kondoudis/
Name	Michael Kondoudis
Registration Number	42758

UNITED STATES 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 : December 28, 2011

In re Application of :

Zalman Peles

Application No : 12682826

Filed : 13-Apr-2010

Attorney Docket No : 1700.0022

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 Michael Kondoudis (registration no. 42758) on behalf of all attorneys/agents associated with Customer Number 75485 . All attorneys/agents associated with Cusotmer Number 75485 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 Zalmen PELES

Name2

Address 1 Kfar Corazim

Address 2

City Corazim

State

Postal Code 12391

Country IL

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED

JAN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of LUDWIG et al.
Application No.: 12/682,833 : DECISION ON
PCT No.: PCT/EP08/54213 :
Int. Filing: 08 April 2008 : PETITION
Priority Date: 12 July 2007 :
Attorney Docket No: P11739US :
For: METHOD FOR OPTIMIZING THE SWITCHING BEHAVIOUR OF A VESSEL WARNING DEVICE OF AN EQUALIZING VESSEL.... :

This application is before the PCT Legal Office for consideration of applicant's "Petition to Change/Correct Inventor's Name" filed in the United States Patent and Trademark Office on 08 October 2010.

BACKGROUND

On 13 April 2010, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee. On 13 May 2010 applicant filed an executed declaration of the inventors. The published international application identified the second inventor as Lothar Schiel. However, the declaration submitted on 13 May 2010 identified the second inventor as Christoph Schiel and was executed as such.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Lothar Schiel". The declaration, filed on 13 May 2010, identifies and is signed by "Christoph Schiel". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

Applicant filed the instant petition to correct or change the inventor's name[1]. Applicant appears to be filing a petition under 37 CFR 1.497(d) to add or delete an inventor. To change the inventor's name to Christoph Schiel, a petition under 37 CFR 1.182 is required. The petition

[1] It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted.

must include an appropriate petition fee and a statement signed by the inventor setting forth both names. *See* MPEP §605.04(c).

CONCLUSION

The declaration of inventors, submitted by applicants on 13 May 2010, is not in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements in accord with this decision.

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

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

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUN 16 2011

PCT LEGAL ADMINISTRATION

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United States Patent and Trademark Office
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of LUDWIG et al.
Application No.: 12/682,833 : DECISION ON
PCT No.: PCT/EP08/54213 :
Int. Filing: 08 April 2008 : PETITION UNDER
Priority Date: 12 July 2007 :
Attorney Docket No: P11739US : 37 CFR 1.182
For: METHOD FOR OPTIMIZING THE SWITCHING BEHAVIOUR OF A VESSEL WARNING DEVICE OF AN EQUALIZING VESSEL.... :

This is a decision on applicant's petition under 37 CFR 1.182 to correct the fifth inventor's name to *Christoph Schiel*, filed in the United States Patent and Trademark Office on 15 March 2011.

BACKGROUND

On 13 April 2010, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee. On 13 May 2010 applicant filed an executed declaration of the inventors. The published international application identified the fifth inventor as Lothar Schiel. However, the declaration submitted on 13 May 2010 identified the inventor as Christoph Schiel and was executed as such.

In a decision mailed on 03 January 2011, applicant was advised that a petition under 37 CFR 1.182 was necessary to correct the inventor's name. On 20 January 2011, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the processing fee for providing the English translation of the application after the thirty month period, was required.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Lothar Schiel". The declaration, filed on 13 May 2010, identified and was signed by "Christoph Schiel".

Applicant filed the instant petition under 37 CFR 1.182 to correct the inventor's name. The petition included an appropriate petition fee and a statement signed by the inventor setting forth his correct name. *See* MPEP §605.04(c). The petition under 37 CFR 1.182 to change the inventor's name to *Christoph Schiel* is GRANTED.

Per applicant's authorization, the $130 processing fee was charged to his deposit account.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name to *Christoph Schiel* is **GRANTED**.

The executed declaration submitted by applicants on 13 May 2010 is now in compliance with 37 CFR 1.497(a) and (b). The declaration satisfies the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

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 13 May 2010.

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

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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NOV 07 2011

PCT LEGAL ADMINISTRATION

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of LUDWIG et al.
Application No.: 12/682,833 : DECISION ON
PCT No.: PCT/EP08/54213 :
Int. Filing: 08 April 2008 : REQUEST TO CORRECT
Priority Date: 12 July 2007 :
Attorney Docket No: P11739US : NOTICE OF ACCEPTANCE
For: METHOD FOR OPTIMIZING THE SWITCHING BEHAVIOUR OF A VESSEL WARNING DEVICE OF AN EQUALIZING VESSEL.... :

On 29 June 2011, a Notification of Acceptance was mailed to applicant incorrectly indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371(c)(2) and indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 May 2011.

On 17 August 2011, the instant request to correct the Notice of Acceptance was filed. Specifically, applicant requested that the 35 U.S.C. 371(c)(1), (c)(2) (c)(4) and (c)(5) date be corrected to **13 May 2010.**

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 May 2010. In light of the above, the Notification of Acceptance (Form PCT/DO/EO/903) issued on 29 June 2011 is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision, including issuance of a new Notification of Acceptance and filing receipt. The 35 U.S.C. 371(c)(1), (c)(2) (c)(4) and (c)(5) date of date is **13 May 2010.**

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of
Terutoshi Tomada, et al.
Application No.: 12/682,838
Filed: 04 April 2010
Attorney Docket No.: 145248
For: CONTROL APPARATUS FOR INTERNAL COMBUSTION ENGINE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 03 January 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 April M. Wise at (571) 272-1642.

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

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Doc Code: PPH.PET.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.:	12/682,844	Filing Date:	April 13, 2010
First Named Inventor:	Miho HATANAKA et al.		
Attorney Docket No.:	145276		
Title of the Invention:	INORGANIC MIXED OXIDE AND CATALYST FOR PURIFICATION OF EXHAUST GAS USING THE SAME		

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

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

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, 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/JP2008/068900

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

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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.:	12/682,844
First Named Inventor:	Miho HATANAKA 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 April 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 April 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
2-7 and 9	2-7 and 9	Claims in the U.S. Application are identical to the patentable claims in the PCT Application.
8	8	Claim 8 in the U.S. Application was amended in a Preliminary Amendment filed on April 13, 2010 to remove multiple dependencies. No substantive amendment was made to U.S. claim 8 from the patentable claim 8 in the PCT Application.
1	1	Claim in U.S. Application is identical to the patentable claim in the PCT Application. Regarding the first observation in Box No. VIII of the International Preliminary Report on Patentability, the specification recites how to measure the amount of the second additional element in the enriched surface region. *See* specification, page 27, line 18 - page 28, line 9. Thus, one of ordinary skill in the art would be able to measure the amount of the second additional element in the enriched surface region, and the metes and bounds of this claimed element are not unclear. Regarding the second observation in Box No. VIII of the International Preliminary Report on Patentability, claim 1 recites an amount of a second additional element in an enriched region and a total amount of the first and second additional elements. As discussed above, the specification recites a method for measuring the amount of the second additional element in the enriched surface region. Therefore, even if the first additional element and the second additional element are the same, the amount of the same element comprising the first additional element and the second additional element in the enriched surface region can be determined by one of ordinary skill in the art. Thus, the metes and bounds of this claimed element are not unclear.

PTO/SB/20PCT-JP (05-10)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 14, 2010
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Nicolas A. Brentlinger	Registration Number 62,211

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,844	04/13/2010	Miho Hatanaka	145276	6465

25944 7590 11/02/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
11/02/2010	ELECTRONIC

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

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OfficeAction25944@oliff.com
jarmstrong@oliff.com

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CT

November 1, 2010

In re application of Miho Hatanaka et al Serial No. 12/682,844 Filed: April 13, 2010 For: INORGANIC MIXED OXIDE AND CATALYST FOR PURIFICATION OF EXHAUST GAS USING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,880	07/19/2010	Sang-Hoon Cha	86030(301264)	7041

90238 7590 11/08/2010
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

EXAMINER	
ART UNIT	PAPER NUMBER
1656	

NOTIFICATION DATE	DELIVERY MODE
11/08/2010	ELECTRONIC

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

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patent@eapdlaw.com

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

NOV 0 8 2010

In re Application of	:	
CHA, SANG-HOON	:	DECISION ON REQUEST TO
Application No. 12/682,880	:	PARTICIPATE IN PATENT
Filed: April 13, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 86030(301264)	:	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 KIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: AMPT Panel Sea USNP	Application Number (if known): 12/682,882	Filing date: 2010-04-13

First Named Inventor: Robert M. Porter

Title: AC Power Systems for Renewable Electrical Energy

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: Second Preliminary Amendment, Two Information Disclosure Statements along with Foreign and NPL references cited, Firm Letter of Transmittal, Electronic Patent Application Fee

Signature /Nicole A. Ressue/	Date 2010-08-20
Name (Print/Typed) Nicole A. Ressue	Registration Number 48665

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

☐ *Total of 1 forms are submitted.

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

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

Filed via Electronic Filing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	12/682,882
Filed:	April 13, 2010
Applicants:	Robert M. Porter, Anatoli Ledenev
Title:	AC Power Systems for Renewable Electrical Energy
Group Art Unit:	
Examiner:	
Assignee:	AMPT, LLC
Attorney Docket::	AMPT Panel Sea USNP
Customer No.:	33549
Confirmation No.:	7119

STATEMENT OF THE BASIS FOR SPECIAL STATUS

The basis for special status is that the invention materially contributes to development of renewable energy resources or energy conservation. Conventional solar power technologies often may suffer from unacceptably high power loss due to inefficient conversion of solar energy into electricity usable by power grids or the like, thus decreasing the economic viability and widespread adoption of these technologies. This invention complies with the materiality standard by providing methods focused on photovoltaic techniques specifically tailored to solar power applications that efficiently provides better and more user friendly solar power componentry to harvest maximum power from a solar panel or strings of panels, so that this power can be provided for AC use, perhaps for transfer to a power grid or the like.

Dated this 20th day of August, 2010.

Respectfully submitted,
SANTANGELO LAW OFFICES, P.C.

By: /Nicole A. Ressue/
Nicole A. Ressue
Attorney for Assignee
PTO No. 48,665
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,882	04/13/2010	Robert M. Porter	AMPT Panel Sea USNP	7119

33549 7590 09/07/2010

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

EXAMINER	
FLEMING, FRITZ M	
ART UNIT	**PAPER NUMBER**
2836	

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	ELECTRONIC

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

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

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

BarbH@idea-asset.com
CherylS@idea-asset.com
SantangeloLawOfficesPTOnotices@yahoo.com

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125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of	:	
PORTER et al.	:	DECISION ON PETITION
Application No. 12/682,882	:	TO MAKE SPECIAL UNDER
Filed: 13 April 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. AMPT Panel Sea USNP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 20 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is DENIED.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

The instant application was filed 13 April 2010 and is therefore not eligible for the Pilot. Since this condition cannot be overcome, the petition is Denied.

The instant application has not been accorded "special" status.

Any confusion over the earlier decisions is deeply regretted. Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,882	04/13/2010	Robert M. Porter	AMPT Panel Sea USNP	7119

33549 7590 09/09/2010

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

EXAMINER	
FLEMING, FRITZ M	

ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
09/09/2010	ELECTRONIC

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

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

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

BarbH@idea-asset.com
CherylS@idea-asset.com
SantangeloLawOfficesPTOnotices@yahoo.com

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SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of	:	
PORTER et al.	:	DECISION ON PETITION
Application No. 12/682,882	:	TO MAKE SPECIAL UNDER
Filed: 13 April 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. AMPT Panel Sea USNP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 20 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The decision mailed 08 September 2010 is hereby **VACATED**.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

27 AUG 2010

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
ZIMMERMAN, Eric, et al.	:	DECISION
Application No.: 12/682,890	:	
Filing Date: 13 April 2010	:	ON PETITION UNDER
Docket No.: ZIMMERMANN-3	:	
For: FOOD HANDLING DEVICE	:	37 CFR 1.137(b)

This decision is in response to Applicants' renewed petition to revive the international application under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 29 June 2010.

BACKGROUND

On 18 June 2010, the Office mailed Decision On Petition Under 37 CFR 1.137(b), dismissing applicants' petition without prejudice for failure to furnish a proper reply.

On 29 June 2010, applicants filed a renewed petition under 37 CFR 1.137(b), accompanied by a preliminary amendment.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) 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, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (3) and (4) were previously satisfied.

Item (2) has not been satisfied. The preliminary amendment does not identify this application as a continuation of the international application PCT/US2008/072711.

CONCLUSION

The petition to revive international application PCT/US2008/072711 under 37 CFR 1.137(b) for continuity 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.

This application is being referred to the Office of Patent Application Processing for processing as a regular U.S. application under 35 U.S.C. 111(a).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PCT LEGAL ADMINISTRATION

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of :
ZIMMERMAN, Eric, et al. :
Application No.: 12/682,890 :
Filing Date: 13 April 2010 :
Docket No.: ZIMMERMANN-3 :
For: FOOD HANDLING DEVICE :

DECISION

ON PETITIONS UNDER

37 CFR 1.137(b) and 1.78

This decision is in response to Applicants' petition to revive the international application under 37 CFR 1.137(b) and petition under 37 CFR 1.78(a)(3) and (a)(6), filed in the United States Patent and Trademark Office on 31 August 2010.

BACKGROUND

On 27 August 2010, the Office mailed Decision On Petition Under 37 CFR 1.137(b), dismissing applicants' petition for lack of a proper reply. Applicants did not include a valid priority claim to the international application and its priority document and thus, had not created a continuing application.

On 31 August 2010, applicants filed this renewed petition under 37 CFR 1.137(b) and a petition under 37 CFR 1.78(a)(3) and (a)(6).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) 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, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (3) and (4) have been satisfied. Applicants made the necessary statement. The petition fee has been paid.

Item (2) has now been satisfied.

Petition Under 37 CFR 1.78

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the 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)(3) and 1.78(a)(6) should <u>not</u> be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. AFiling Receipt will follow in due course. Indications of the prior-filed applications on that filing receipt should <u>not</u> be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. 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.

CONCLUSION

The petition to revive international application PCT/US2008/072711 under 37 CFR 1.137(b) for continuity and petition under 37 CFR 1.78(a)(3) and (a)(6) are **GRANTED**.

This application is being referred to the Office of Patent Application Processing for processing as a regular U.S. application under 35 U.S.C. 111(a).

/Bryan Lin/

Bryan Lin
PCT Legal Examiner
PCT Legal Administration

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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29683
HARRINGTON & SMITH
4 Research Drive
Suite 202
Shelton, CT 06484-6212

MAILED

NOV 23 2010

PCT LEGAL ADMINISTRATION

In re Application of
HALFMANN *et al*
U.S. Application No.: 12/682,925
PCT No.: PCT/EP2008/063886
Int. Filing Date: 15 October 2008
Priority Date: 17 October 2007
Docket No.: 863.0159.U1(US)
For: METHOD AND DEVICE FOR DATA COMMUNICATION AND COMMUNICATION SYSTEM COMPRISING SUCH DEVICE

DECISION

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

BACKGROUND

On 15 June 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 20 September 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by three inventors; a $200.00 petition fee; a one-month extension fee; a $130.00 surcharge fee; an affidavit by Eija Karhunen; and documentary evidence in support of the petition (Exhibits A - F).

DISCUSSION

Applicants claim that co-inventor, Yikang XIANG, cannot be found after a diligent effort.

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

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants provided an affidavit by Ms. Karhunen who indicates that a complete copy of the subject application was sent to the last known address of Mr. XIANG on 21 June 2010. However, the documents were never delivered. Ms. Karhunen then conducted a search for Mr. XIANG using Google® but were unable to find contact information for the nonsigning inventor. Another search for Mr. XIANG was performed using LinkedIn® to no avail. Ms. Karhunen states that she then contacted the co-inventors of the subject application to ask if they had current contact information for Mr. XIANG. They responded by email that they had no current contact information. Applicants provided copies of all relevant documents discussed in the affidavit. Moreover, applicants also claim that the Human Resources Department of Nokia Siemens Networks Oy was contacted to attempt to locate the nonsigning inventor, but they did not have current contact information for Mr. XIANG.

Applicants have made a diligent effort to locate the nonsigning inventor. These efforts meet the requirements outlined in MPEP § 409.03(d)(I). Item (2) of 37 CFR 1.47(a) is satisfied.

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

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 October 2008, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 September 2010.

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

This application is being forwarded to the National Stage Processing Division of

---

[1] The $200.00 petition fee was paid. The last known address of Mr. XIANG is listed in the petition. The declaration signed by three of the four named inventors is in compliance with 37 CFR 1.47(a) and (b), and meets the requirements of section 409.03(a)(A) of the MPEP.

the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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P.O. Box 1450
Alexandria, VA 22313-1450
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Yikang Xiang
Stadelheimer Str. 57,
81549 München
Germany

MAILED

NOV 23 2010

PCT LEGAL ADMINISTRATION

In re Application of
HALFMANN *et al*
U.S. Application No.: 12/682,925
PCT No.: PCT/EP2008/063886
Int. Filing Date: 15 October 2008
Priority Date: 17 October 2007
Docket No.: 863.0159.U1(US)
For: METHOD AND DEVICE FOR DATA COMMUNICATION AND COMMUNICATION SYSTEM COMPRISING SUCH DEVICE

Dear Mr Xiang:

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

HARRINGTON & SMITH
4 Research Drive
Suite 202
Shelton, CT 06484-6212

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PCT LEGAL ADMINISTRATION

DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS MI 48304-2970

In re Application of:
LANGAN, Michael, et al.
U.S. Application No.: 12/682,934
PCT Application No.: PCT/GB2008/003513
International Filing Date: 17 October 2008
Priority Date: 17 October 2007
Attorney's Docket No.: 38028-8
For: EXTRUDED GEOPOLYMER FRAME PROFILES FOR WINDOWS OR DOORS

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 22 October 2010. Applicants have paid the required $400 petition fee.

BACKGROUND

On 14 April 2010, applicants filed materials to initiate the present U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an Application Data Sheet (ADS), and payment of the basic national fee.

The Transmittal Letter identified the international application number as PCT/**GB**2008/003513; however, as evidenced by the Electronic Acknowledgement Receipt, the bibliographic information provided by applicants during the electronic filing process identified the international application number as PCT/**US**08/03513. Based on the information provided during the electronic filing process, the present application was established as the U.S. national stage of PCT/US08/03513.

On 29 July 2010, the United States Designated/Elected Office (DO/EO/US) issued 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 30 September 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the necessary surcharge and an executed declaration.

On 13 October 2010, the DO/EO/US issued a "Notification Of Defective Response" (DO/EO/916) indicating that the declaration filed on 30 September 2010 was defective because the names listed thereon did not correspond to the inventors of record in PCT/US2008/003513

On 22 October 2010, applicants filed the "Petition Under 37 CFR 1.182" considered herein. The petition seeks to correct the error in the international application number provided during the electronic filing of the present national stage application so that the present application may be treated as the U.S. national stage of PCT/GB2008/003513.

DISCUSSION

As set forth above, the data entered by applicants during the electronic filing incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed herein (including the basic national fee payment) can be treated as having been directed to international application PCT/GB2008/003513, as necessary to avoid abandonment of this international application with respect to the United States.

In the present petition, applicants confirm that the identification of international application PCT/US08/003513 during the electronic filing process was the result of an inadvertent typographical error and that the correct international application is PCT/GB2008/003513. The correct international application number was contained in the materials filed 14 April 2010 (specifically, on the Transmittal letter and the ADS).[1] Finally, applicants' petition included payment of the required $400 petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number identified during the electronic filing process. Accordingly, the materials filed herein will be treated as having been directed to international application PCT/GB2008/003513.

A review of the declaration filed on 30 September 2010 confirms that the declaration properly names and is executed by the inventors of record in PCT/GB2008/003513.

CONCLUSION

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

The materials filed herein will be treated as the U.S. national stage of PCT/GB2008/003513.

It is noted that the materials filed to initiate the present national stage application, including the payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date in PCT/GB2008/003513.

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[1] It is noted that the ADS includes a foreign priority directed to the international application. Such a claim is improper in a national stage application filed under 35 U.S.C. 371, which is considered to have the same filing date as the international application. See MPEP section 1893.03(c)(III).

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 30 September 2010

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/682,989	05/05/2010	Timothy D. Durance	P09610US01	8311

22885 7590 09/19/2011
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER	
RINEHART, KENNETH	

ART UNIT	PAPER NUMBER
3743	

NOTIFICATION DATE	DELIVERY MODE
09/19/2011	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):

patatty@ipmvs.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:	
DURANCE, TIMOTHY D. et al.	:	DECISION ON REQUEST TO
Application No. 12/682,989	:	PARTICIPATE IN PATENT
Filed: April 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. P09610US01	:	PROGRAM AND PETITION
For: APPARATUS AND METHOD FOR MICROWAVE VACUUM-DRYING OF ORGANIC MATERIALS	:	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 30, 2011 to make the above-identified application special.

The request and petition are granted.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Kenneth Rinehart, SPE of Art Unit 3743, and 571-272-4881 for Class 034 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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RANKIN, HILL & CLARK LLP
23755 LORAIN ROAD, SUITE 200
NORTH OLMSTED OH 44070

MAILED

OCT 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MUNDRY et al :
Application No.: 12/682,991 :
PCT No.: PCT/EP2008/008438 :
Int. Filing Date: 07 October 2008 : DECISION
Priority Date: 18 October 2007 :
Attorney Docket No.: N/A :
For: EXTRACTION SYSTEM FOR... :
SYSTEM THEREFOR :

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," which is being treated as a petition under 37 CFR 1.182, filed on 26 August 2010 indicating that the executed declaration filed on 14 April 2010 contains the correct name of the third joint inventor, which is Simon Pauli. The petition fee under 37 CFR 1.182 of $400.00 has been charged to petitioner's Deposit Account No.: 18-0160.

BACKGROUND

On 14 April 2010, 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 29 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) In that it: The last name of the third inventor is different than what is listed on the published application (i.e. Chwila vs Pauli). Please correct and submit a newly declaration, or provide an explanation for the name change. Please correct and submit a newly executed declaration, or provide an explanation for the name change." The notification indicated that all of the items set forth above must be submitted within two (2) months from the date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 26 August 2010, petitioner submitted the current petition stating that the correct name of the third joint inventor is Simon Pauli as indicated on the declaration filed on 14 April 2010, which is a result of a name change due to marriage.

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 charged to petitioner's deposit account.

With respect to item (2), petitioner has provided with the petition an affidavit from Simon Pauli explaining his named changed from Simon Chwila (unmarried name, legal name) to Simon Pauli (married named), and sets forth the procedure whereby the change of name was effected. He has also signed affidavit signed under **Simon PAULI**. Therefore, item (2) has been satisfied.

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 third joint inventor is **Simon PAULI**.

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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Bishop & Diehl, Ltd.
1750 East Golf Road
Suite 390
Schaumburg IL 60173

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
John Andrew Upenieks :
Application No. 12/683,042 : DECISION ON PETITION
Filed: January 6, 2010 : TO WITHDRAW
Attorney Docket No. **004010 P0004** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 17, 2011.

The request is **APPROVED**.

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

The request was signed by Monique A. Morneault on behalf of all attorneys of record who are associated with Customer Number 77093.

All attorneys/agents associated with Customer Number 77093 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor John Andrew Upenieks at the address indicated below.

There is an outstanding Office action mailed March 24, 2011, that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: John Andrew Upenieks
11 Eastglen Crescent
Toronto, Ontario Canada M9B 4P6

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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of :
Vinke, et al. : ON PETITION
Application No.: 12/683,043 :
Filed: January 6, 2010 :
Attorney Docket No.: 5560-00494 :

This is a decision on the renewed petition under 37 CFR 1.47(a), filed July 30, 2010.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Bradley H. Vinke, has refused to join in the filing of the above-identified application.

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of :
Donald Keith Landphair, et. al. :
Application No. 12/683,180 : ON PETITION
Filed: January 6, 2010 :
Attorney Docket No. 16861D2-US :

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

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Charles T. Graham appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to file a reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed November 12, 2010. A Notice of Abandonment was mailed on May 17, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3641 for review of the amendment submitted with the present petition.

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

Andrea Smith
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.
12/683,183	01/06/2010	Junko Nakatsuru	03594.005800.	2568

5514 7590 09/01/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
09/01/2010	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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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
NAKASURU et al.
Application No.: 12/683,183 : **DECISION ON REQUEST TO**
Filed: 06 January 2010 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: 03594.005800. : **PROSECUTION HIGHWAY**
For: METHOD FOR REDUCING : **PROGRAM AND PETITION**
AGGLOMERATION OF SI LAYER, : **TO MAKE SPECIAL UNDER**
METHOD FOR MANUFACTURING : **37 CFR 1.102(d)**
SEMICONDUCTOR DEVICE AND
VACUUM TREATMENT APPARATUS

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 17 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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P.O. Box 1450
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SENNIGER POWER LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
Steven B. JUNG, et al :
Application No. 12/683,211 : DECISION ON PETITION
Filed: January 6, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. UMR 09031 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a statement by Applicant Delbert E. Day. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred to Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP/Apple
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Bull et al.	:	DECISION REFUSING STATUS
Application No. 12/683,218	:	UNDER 37 CFR 1.47(a)
Filed: January 6, 2010	:	
Attorney Docket No. 20750P-005710US	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 22, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should 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 inventors 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 inventors. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventors. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventors William Bull and Anthony M. Fadell, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventors.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor William Bull or Anthony M. Fadell. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether she has access to inventor Bull's or Fadell's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, although it is stated that the application papers were mailed to

the inventors via Federal Express, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventors' last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Bull's and Mr. Fadell's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventors, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventors cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventors' conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventors gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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

By Mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand:
U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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TWO EMBARCADERO CENTER
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SAN FRANCISCO CA 94111-3834

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APR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Bull et al.	:	DECISION NOTING JOINDER OF
Application No. 12/683,218	:	INVENTOR AND PETITION
Filed: January 6, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 20750P-005710US	:	

Papers filed on November 22, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed September 29, 2010, included Declarations signed by a previously non-signing inventors, William Bull and Anthony Fadell, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventors, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center AU 2629 for examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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SENNIGER POWER LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

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OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
Steven B. JUNG, et al :
Application No. 12/683,244 :
Filed: January 6, 2010 :
Attorney Docket No. UMR 10002 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Applicant Delbert E. Day. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred to Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

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

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12683257
Filing Date	06-Jan-2010
First Named Inventor	Brian Musselman
Art Unit	2881
Examiner Name	KIET TUAN NGUYEN
Attorney Docket Number	IONS-01000US3
Title	SAMPLING SYSTEM FOR USE WITH SURFACE IONIZATION SPECTROSCOPY

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	/Anthony G. Craig/
Name	Anthony G. Craig
Registration Number	50342

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 10, 2012

In re Application of :

Brian Musselman

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12683257

Filed : 06-Jan-2010

Attorney Docket No : IONS-01000US3

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 10, 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 2881 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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MORGAN, LEWIS & BOCKIUS LLP (sf)
One Market, Spear Street Tower, Suite 2800
San Francisco, CA 94105

MAILED
JAN 20 2011
OFFICE OF PETITIONS

Applicant: Andrew Prewer, et al.
Appl. No.: 12/683,272
Filing Date: January 6, 2010
Title: DUAL METHOD PHASE APPARTUS AND METHOD
Attorney Docket No.: 63999-5024-US01
Pub. No.: US 2010/0120636 A1
Pub. Date: May 13, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 7, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the assignee's information has been omitted.

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

The error noted by requestor on the front page of the published patent application wherein the assignee's name "Swedish Biomimetics 3000 Limited" was omitted is not an Office error under 37 CFR 1.221(b). The ADS filed on January 6, 2010 and January 28, 2010 did not include the assignee's information. Furthermore, an error in assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not file requests for corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

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

Applicants' request for a corrected patent application publication on June 7, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

On January 26, 2010 and February 4, 2010, Filing Receipts were mailed by the Office, which did not include the assignee's information. 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 submitted on January 28, 2010 does not comply with 37 CFR 1.76(c).

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

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

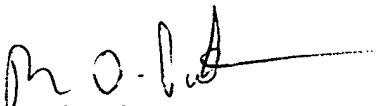
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

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

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

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



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

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100 NORTH BROADWAY
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ST LOUIS MO 63102

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
Steven B. JUNG, et al :
Application No. 12/683,280 : DECISION ON PETITION
Filed: January 6, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. UMR 10003 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Applicant Delbert E. Day. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred to Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

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

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

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of :
Jamsheed Bugwadia, et al. :
Application No. 12/683,281 :
Filed: January 6, 2010 :
Attorney Docket No. **43390-8029.US02** :

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 February 9, 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: **TRAPEZE NETWORKS, INC.**
C/O JUNIPER NETWORKS, INC.
1194 NORTH MATHILDA AVENUE
SUNNYVALE, CA 94089-1206

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P.O. BOX 2-E
SAN JOSE CA 95109-0005

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JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Son et al. :
Application No.12/683,296 : ON PETITION
Filed: January 6, 2010 :
Attorney Docket No. DLS-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a complete response to a Notice to file Missing Parts of Nonprovisional Application which was mailed on January 22, 2010. The Notice set an extendable two (2) month period for reply. A three month extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 23, 2010. A Notice of Abandonment was mailed on February 16, 2011.

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

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MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application of :
Kyquang Son et al. :
Application No. 12/683,296 :
Filed: January 6, 2010 :
Attorney Docket No. **DLS-002** :

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 December 20, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the attorneys' was originally granted by Customer Number in the Declaration filed June 21, 2010.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Son, et al. :
Application No. 12/683,321 : ON PETITION
Filed: January 6, 2010 :
Attorney Docket No. DLS-005 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 3, 2011.

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

The above-identified application became abandoned for failure to timely file a complete reply to the Notice to File Missing Parts, mailed January 22, 2010. This Notice set an extendable period for reply of two (2) months for applicants to submit an oath or declaration, together with the surcharge for its late filing. Applicants filed a declaration on June 21, 2010, made timely by obtaining a three month extension of time. However, the declaration lacked the signature of two of the inventors. As such, the Office mailed a Notice of Incomplete Reply on June 29, 2010, stating that applicants' June 21, 2010 reply was incomplete, and that the period for reply would continue to run from the mail date of the Notice to File Missing Parts. No further reply having been received, the application became abandoned on June 23, 2010. The Office mailed a Notice of Abandonment on February 1, 2011.

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a fully executed declaration.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of :
Kyquang Son, et. al. :
Application No. 12/683,321 : DECISION ON PETITION
Filed: January 6, 2010 : TO WITHDRAW FROM
Attorney Docket No. DLS-005 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed December 20, 2011.

The request is **NOT APPROVED**.

The present request cannot be approved because the requested change in the correspondence address is improper.

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,* 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.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b)[1] with the current assignee information of record in the present application, and since the current address information for the first named inventor was not provided, the Office cannot change the correspondence address to the address listed in the Request to Withdraw.

[1] See USPTO Form No. PTO/SB/96.

Additionally, the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (*See* USPTO Form PTO/SB/82).

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) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

cc: David M. Schneck
P.O. Box 2-E
San Jose, CA 95109

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Torkaman et al.	:	
Application No. 12/683,334	:	ON PETITION
Filed: January 6, 2010	:	
Attorney Docket No. DLS-013	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration, including the signature of Amir H. Torkaman, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2627 for examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE CA 95109-0005

MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application of :
Amir H. Torkaman et al. :
Application No. 12/683,334 :
Filed: January 6, 2010 :
Attorney Docket No. **DLS-002** :

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 December 20, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the attorneys' was originally granted by Customer Number in the Declaration filed June 3, 2011.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND OR 97204-3157

MAILED

JAN 20 2012

OFFICE OF PETITIONS

In re Application of	:	
Hand	:	
Application No. 12/683,342	:	DECISION ON PETITION
Filed: January 6, 2010	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number:	:	§ 1.181
HAND.3620-001(D1)	:	
Title: FLUSH VALVE STRUCTURE	:	
FOR A TOILET TANK	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181, filed on January 3, 2012, requesting that the holding of abandonment in the above-identified application be withdrawn.

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

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 26, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees[1] or publication fees.[2] On October 24, 2011, a Request for Continued Examination was filed along with the associated fee, however the submission required by 37 C.F.R. § 1.114(c) was not included.[3] Accordingly, the filing of the RCE did not serve

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).
3 Applicant included a request to withdraw the application from issue and intended this request to serve as the required submission, however a request to withdraw an application from issue cannot serve as the required submission as it is not a document for the examiner to consider.

to withdraw the application from issuance[4] and the above-identified application became abandoned on October 27, 2011. A Notice of Abandonment was mailed on December 21, 2011.[5]

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(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.

MPEP § 1308(I)(A) sets forth, *in toto*:

WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE APPLICANT

A. Prior to the Payment of Issue Fee

If the applicant wishes to have an application withdrawn from issue, he or she must petition the Director under 37 CFR 1.313(a) or **file a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e). A submission may be an information disclosure statement (37 CFR 1.97 and 1.98) or an amendment.** The RCE practice does not apply to utility or plant applications filed before June 8, 1995 and design applications. See MPEP § 706.07(h), subsections I, II and IX. **If an applicant files a RCE (with the fee and a submission), the applicant need not pay the issue fee to avoid abandonment of the application.** Applicants are cautioned against filing a RCE prior to payment of the issue fee and subsequently paying the issue fee (before the Office acts on the RCE) because doing so may result

4 See MPEP § 1308(I)(A).
5 It is noted that the notice of abandonment erroneously indicates that a letter of express abandonment was received in the Office on October 24, 2011. This appears to be a reference to the aforementioned request to withdraw this application from issue.

in issuance of a patent without consideration of the RCE (if the RCE is not matched with the application before the application is processed into a patent).

Petitions under 37 CFR 1.313(a) to have an application withdrawn from issue should be directed to the Technology Center (TC) Director to which the application is assigned (see MPEP § 1002.02(c)). Unless applicant receives a written communication from the Office that the application has been withdrawn from issue, the issue fee must be timely submitted to avoid abandonment.

Applicant may also file a continuing application on or before the day the issue fee is due and permit the parent application to become abandoned for failure to pay the issue fee (35 U.S.C. 151).

(Emphases added).

ANALYSIS

Petitioner wished to withdraw the application from issue, and in response to the notice of allowance and issue fee due, submitted an RCE along with a request to withdraw the application from issue. However, the required submission was not included therewith, and therefore, the filing was ineffective. Although the notice of abandonment contains erroneous information directed toward an express abandonment that does not appear to have been submitted to the Office, the application went abandoned by operation of law for failure to submit the issue and publication fees. It follows that the record does not support a finding that the holding of abandonment should be withdrawn.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[6] and/or (b).[7] Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file

6 The fee that is associated with the filing of this petition is presently set at $310 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.

7 The fee that is associated with the filing of this petition is presently set at $930 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03c.htm#sect711.03c

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[8] hand-delivery,[9] or facsimile.[10] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[11]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[12]

Paul Shanoski
Senior Attorney
Office of Petitions

8 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
9 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
10 (571) 273-8300: please note this is a central facsimile number.
11 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
12 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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Alexandria, VA 22313-1450
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CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND OR 97204-3157

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Hand	:	
Application No. 12/683,342	:	DECISION ON RENEWED PETITION
Filed: January 6, 2010	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number:	:	§ 1.181
HAND.3620-001(D1)	:	
Title: FLUSH VALVE STRUCTURE	:	
FOR A TOILET TANK	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.181, filed on January 31, 2012, requesting that the holding of abandonment in the above-identified application be withdrawn.

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

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 26, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees[1] or publication fees.[2] On October 24, 2011, a Request for Continued Examination was filed along with the associated fee, however the submission required by 37 C.F.R. § 1.114(c) was not included.[3] Accordingly, the filing of the RCE did not serve to withdraw the application from issuance[4] and the above-

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).
3 Applicant included a request to withdraw the application from issue and intended this request to serve as the required submission, however a request to withdraw an application from issue cannot serve as the required submission as it is not a document for the examiner to consider.
4 See MPEP § 1308(I)(A).

identified application became abandoned on October 27, 2011. A Notice of Abandonment was mailed on December 21, 2011.[5]

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.114(c) sets forth, in toto:

A submission as used in this section includes, but is not limited to (emphasis added), an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111.

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(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.

MPEP § 1308(I)(A) sets forth, *in toto*:

WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE APPLICANT

A. Prior to the Payment of Issue Fee

If the applicant wishes to have an application withdrawn from issue, he or she must petition the Director under 37 CFR 1.313(a) or **file a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e). A submission may be an information disclosure**

5 It is noted the notice of abandonment erroneously indicates that a letter of express abandonment was received in the Office on October 24, 2011. This appears to be a reference to the aforementioned request to withdraw this application from issue.

statement (37 CFR 1.97 and 1.98) or an amendment. The RCE practice does not apply to utility or plant applications filed before June 8, 1995 and design applications. See MPEP § 706.07(h), subsections I, II and IX. **If an applicant files a RCE (with the fee and a submission), the applicant need not pay the issue fee to avoid abandonment of the application.** Applicants are cautioned against filing a RCE prior to payment of the issue fee and subsequently paying the issue fee (before the Office acts on the RCE) because doing so may result in issuance of a patent without consideration of the RCE (if the RCE is not matched with the application before the application is processed into a patent).

Petitions under 37 CFR 1.313(a) to have an application withdrawn from issue should be directed to the Technology Center (TC) Director to which the application is assigned (see MPEP § 1002.02(c)). Unless applicant receives a written communication from the Office that the application has been withdrawn from issue, the issue fee must be timely submitted to avoid abandonment.

Applicant may also file a continuing application on or before the day the issue fee is due and permit the parent application to become abandoned for failure to pay the issue fee (35 U.S.C. 151).

(Emphases added).

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181 was filed on January 3, 2012, and was dismissed via the mailing of a decision on January 20, 2012, which set forth, *in pertinent part*:

> Petitioner wished to withdraw the application from issue, and in response to the notice of allowance and issue fee due, submitted an RCE along with a request to withdraw the application from issue. However, the required submission was not included therewith, and therefore, the filing was ineffective. Although the notice of abandonment contains erroneous information directed toward an express abandonment that does not appear to have been submitted to the Office, the application went abandoned by operation of law for failure to submit the issue and publication fees. It follows that the record does not support a finding that the holding of abandonment should be withdrawn.
>
> Decision on original petition, page 3.

With this renewed petition, Petitioner again argues that a request to withdraw from issue can serve as the required submission. Petitioner concedes that MPEP § 1308(I)(A) indicates the submission "may be an information disclosure statement or an amendment," however he asserts that the inclusion of the language "but is not limited to" in 37 C.F.R § 1.114(c) indicates that a submission is not required to constitute a document for the consideration of the Examiner.

Petitioner's argument is not persuasive. There are two ways in which a Request for Continued Examination (RCE) could be entered after the mailing of a notice of allowance. An applicant may file either:

- a request to withdraw the application from allowance and then file both an RCE and the required submission (once the request to withdraw the application from issuance has been effectuated, the RCE and the submission could be acted on), or;
- file an RCE and the required submission in the form of either an information disclosure statement or an amendment (the filing of the RCE and the submission would serve to withdraw the application from issue, and the submission would be acted on by the Examiner).

Petitioner would have the Office consider the request to withdraw the application from issuance that was filed concurrently with the RCE serve as the required submission, however this request cannot be accommodated. This would require the filing of both a request to withdraw the application from allowance and an RCE, however the application would need to be withdrawn before the Office could act on the RCE (see the first bulleted portion of text above), at which time, there would be nothing for the Office to act on, since the proposed submission (the request to withdraw the application from issuance) had already been treated.

Put another way, the filing of a request to withdraw an application from issuance as the intended submission is improper, as the submission must be something new for the Examiner to consider.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Thereafter, there will be no further reconsideration of this matter[6, 7]**. Petitioner's only relief is a petition under 37**

[6]For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Louden, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R. §§ 1.181, 182, 183.

C.F.R. §1.137(b), and - having been made aware of this reality - any delay in promptly seeking relief under 37 C.F.R. § 1.137(b) may be considered evidence of intentional delay and an absolute bar to revival.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[8] hand-delivery,[9] or facsimile.[10] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[11]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[12]

Paul Shanoski
Senior Attorney
Office of Petitions

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7 If, on the second request for reconsideration, Petitioner fails to satisfy the showings burden required: (a) the resulting decision may be one viewed as final agency action; and (b) provisions for reconsideration, such as those at 37 C.F.R. § 1.137(e), will **not** apply to that decision.
8 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
9 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
10 (571) 273-8300: please note this is a central facsimile number.
11 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
12 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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601 SW Second Avenue
Suite 1600
PORTLAND OR 97204-3157

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of	:	
Hand	:	
Application No. 12/683,342	:	DECISION ON SECOND
Filed: January 6, 2010	:	RENEWED PETITION
Attorney Docket Number:	:	PURSUANT TO 37 C.F.R.
HAND.3620-001(D1)	:	§ 1.181
Title: FLUSH VALVE STRUCTURE	:	
FOR A TOILET TANK	:	

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.181, filed on February 16, 2012, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 26, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees[1] or publication fees.[2] On October 24, 2011, a Request for Continued Examination was filed along with the associated fee, however the submission required by 37 C.F.R. § 1.114(c) was not included.[3] Accordingly, the filing of the RCE did not serve to withdraw the application from issuance[4] and the above-identified application became abandoned on October 27, 2011. A Notice of Abandonment was mailed on December 21, 2011.[5]

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).
3 Applicant included a request to withdraw the application from issue and intended this request to serve as the required submission, however a request to withdraw an application from issue cannot serve as the required submission as it is not a document for the examiner to consider.
4 See MPEP § 1308(I)(A).
5 It is noted the notice of abandonment erroneously indicates that a letter of express abandonment was received in the Office on October 24, 2011. This appears to be a reference to the aforementioned request to withdraw this application from issue.

An original petition pursuant to 37 C.F.R. § 1.181 was filed on January 3, 2012, and was dismissed via the mailing of a decision on January 20, 2012.

A renewed petition pursuant to 37 C.F.R. § 1.181 was filed on January 31, 2012, and was dismissed via the mailing of a decision on February 9, 2012.

This second renewed petition pursuant to 37 C.F.R. § 1.181 was filed on February 16, 2012.

On March 7, 2012, Petitioner filed an express abandonment. It follows that this second renewed petition pursuant to 37 C.F.R. § 1.181 is therefore **DISMISSED as moot.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[6]

Paul Shanoski
Senior Attorney
Office of Petitions

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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Klemchuk Kubasta LLP
8150 N Central Expressway
SUITE 1150
DALLAS TX 75206

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Olive Anne McLaughlin :
Application No. 12/683,373 : DECISION ON PETITION
Filed: January 6, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 901865-1003 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 6, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by inventor Olive Anne McLaughlin attesting to his/her age. The photocopy of the passport was not legible. The above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3788 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
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	12683421
Filing Date	06-Jan-2010
First Named Inventor	Chuehan Hsieh
Art Unit	2892
Examiner Name	ALONZO CHAMBLISS
Attorney Docket Number	ASEG-020/00US 307632-2041
Title	SEMICONDUCTOR DEVICE PACKAGE WITH AN ALIGNMENT MARK

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

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	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner
Address	975 Page Mill Road
City	Palo Alto
State	CA
Postal Code	94304
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 10, 2012

In re Application of :

Chuehan Hsieh

Application No : 12683421

Filed : 06-Jan-2010

Attorney Docket No : ASEG-020/00US 307632-2041

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 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	Advanced Semiconductor Engineering, Inc.
Name2	c/o Foley & Lardner
Address 1	975 Page Mill Road
Address 2	
City	Palo Alto
State	CA
Postal Code	94304
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 10, 2012

In re Application of :

Yuyong Lee

Application No : 12683426

Filed : 06-Jan-2010

Attorney Docket No : ASEG-017/00US 307632-2038

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 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	Advanced Semiconductor Engineering, Inc.
Name2	c/o Foley & Lardner
Address 1	975 Page Mill Road
Address 2	
City	Palo Alto
State	CA
Postal Code	94034
Country	US

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

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

Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12683426
Filing Date	06-Jan-2010
First Named Inventor	Yuyong Lee
Art Unit	2818
Examiner Name	THINH NGUYEN
Attorney Docket Number	ASEG-017/00US 307632-2038
Title	Leadframe Structure, Advanced Quad Flat No Lead Package Structure Using the Same, and Manufacturing Methods Thereof

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

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	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner
Address	975 Page Mill Road
City	Palo Alto
State	CA
Postal Code	94034
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

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	12683476
Filing Date	07-Jan-2010
First Named Inventor	Daniel Murphy
Art Unit	2856
Examiner Name	ALEX DEVITO
Attorney Docket Number	0-09-009
Title	IN-SITU GAS ANALYZER PROBE

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

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

10.40(c)(1)(vi)

Certifications

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

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

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

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

Name	AA HOLDINGS, LTD.
Address	1313 NORTH MARKET STREET, SUITE 1500
City	WILMINGTON
State	DE
Postal Code	19801
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Kevin D. McCarthy/
Name	Kevin D. McCarthy
Registration Number	35278

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 24, 2012

In re Application of :

Daniel Murphy

Application No : 12683476

Filed: 07-Jan-2010

Attorney Docket No : 0-09-009

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed January 24, 2012

The request is **APPROVED**

The request was signed by Kevin D. McCarthy (registration no. 35278) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

Name	AA HOLDINGS, LTD.
Name2	
Address 1	1313 NORTH MARKET STREET, SUITE 1500
Address 2	
City	WILMINGTON
State	DE
Postal Code	19801
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of :
Richard Pellegrino, et al. :
Application No.: 12/683,555 : DECISION ON PETITION
Filed: January 7, 2010 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: REL-P-007US2 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed August 26, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

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

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and (iii) of the prior-filed application(s), unless previously submitted;[1]
(2) the surcharge set forth in § 1.17(t); and

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application(s). In order for this application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) 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 nonprovisional applications, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 3739 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/683,555	01/07/2010	3739	813	REL-P-007US2	31	3

CONFIRMATION NO. 3375

CORRECTED FILING RECEIPT

8156
JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

Date Mailed: 10/25/2010

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

Applicant(s)

Richard Pellegrino, Half Moon Bay, CA;
Samit Patel, San Francisco, CA;
Harold Carrison, Pleasanton, CA;

Assignment For Published Patent Application

RELIEVANT MEDSYSTEMS, INC., Redwood City, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 12/566,895 09/25/2009
which claims benefit of 61/100,553 09/26/2008
This application 12/683,555
is a CIP of 11/123,766 05/06/2005 PAT 7,749,218
which is a DIV of 10/260,879 09/30/2002 PAT 6,907,884

Foreign Applications

If Required, Foreign Filing License Granted: 01/20/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/683,555**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

SYSTEMS AND METHODS FOR NAVIGATING AN INSTRUMENT THROUGH BONE

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/683,566	01/07/2010	MING-CHIN CHIEN	US25100	3415

7590 02/17/2011

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

EXAMINER
SHALLENBERGER, JULIE A

ART UNIT	PAPER NUMBER
2885	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

MAILED

DEC 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Oh, et al.	:	
Application No. 12/683,583	:	ON PETITION
Filed: January 7, 2010	:	
Attorney Docket No. 1901.04	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 15, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed April 11, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on July 12, 2011. The Office mailed a Notice of Abandonment on November 7, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2834 for consideration of the Amendment, filed November 15, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/683,584	01/07/2010	Ryoichi Yamakoshi	353193US2	3452

7590 10/18/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
REPKO, JASON MICHAEL	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
10/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/683,661	01/07/2010	Paul Sikora	2730.014	3596

21176 7590 02/01/2011

SUMMA, ADDITON & ASHE, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE, NC 28277

EXAMINER	
NORMAN, MARC E	

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUMMA, ADDITON & ASHE, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

In re Application of	:	
SIKORA, PAUL	:	DECISION ON REQUEST TO
Application No. 12/683,661	:	PARTICIPATE IN PATENT
Filed: Jan. 7, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 2730.014	:	PROGRAM AND PETITION
For SYSTEM FOR EFFICIENT FLUID DEPRESSURISATION	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 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 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.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination 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.

All other inquiries concerning the examination or status of the application should be directed to Cheryl Tyler, the SPE of Art Unit 3744, 571-272-4834 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/683,706	01/07/2010	Jacques BERTRAND	1032256-000061	3683

21839 7590 10/19/2011

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
ABU ALI, SHUANGYI	

ART UNIT	PAPER NUMBER
1731	

NOTIFICATION DATE	DELIVERY MODE
10/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

October 18, 2011

In re application of	:	DECISION ON REQUEST TO
Jacques Bertrand	:	PARTICIPATE IN PATENT
Serial No. 12/683,706	:	PROSECUTION HIGHWAY
Filed: January 7, 2010	:	PROGRAM AND
For: DRY GROUT COMPOSITION AND CAPSULE FOR ANCHORING REINFORCING MEMBER, DOWELL OR ANCHOR ELEMENTS	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program, filed August 3, 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 CIPO, note where the CIPO 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 CIPO application with similar claims and the CIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the CIPO application(s)
   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 CIPO 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:
      a copy of the office action(s) from each of the CIPO application(s) containing the allowable/patentable claims(s);
   b. An English language translation of the CIPO Office action; and
   c. A statement that the English translation is accurate; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the CIPO examiner in the CIPO 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of
Yuji Mochizuki, et al.
Application No. 12/683,712
Filed: January 7, 2010
Attorney Docket No. 285032008501

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 23, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

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).

The request cannot be approved because practitioners were appointed by customer number. Practitioners must withdraw in the same manner by which they were appointed.

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: CATALER CORPORATION
7800, CHIHAMA
KAKEGAWA-SHI, SHIZUOKA 437-1492
JAPAN

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	12683790
Filing Date	07-Jan-2010
First Named Inventor	Judith Coppola
Art Unit	2841
Examiner Name	RANDY GIBSON
Attorney Docket Number	COPP-006
Title	Pet Feeding and Weighing System

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 65215

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	Judith Coppola
Address	269 Coachlight Square
City	Montrose
State	NY
Postal Code	10548
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael S. Neustel/
Name	Michael S. Neustel
Registration Number	41221

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 27, 2012

In re Application of :

Judith Coppola

Application No : 12683790

Filed : 07-Jan-2010

Attorney Docket No : COPP-006

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 27, 2012

The request is **APPROVED.**

The request was signed by Michael S. Neustel (registration no. 41221) on behalf of all attorneys/agents associated with Customer Number 65215 . All attorneys/agents associated with Cusotmer Number 65215 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 Judith Coppola

Name2

Address 1 269 Coachlight Square

Address 2

City Montrose

State NY

Postal Code 10548

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.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: 242173	Application Number (if known): 12/683,807	Filing date: 01-07-2010

First Named Inventor: JASON SCOTT PAULMAN

Title: COOL-DOWN SYSTEM AND METHOD FOR A VAPOR DEPOSITION SYSTEM

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date 11/14/2011
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: JASON SCOTT PAULMAN	)
Confirmation No.: 3908	)
	)
Serial No.: 12/683,807	)
	)
Filing Date: 01-07-2010	)
	)
Atty Docket No.: 242173	)

VIA EFS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement Concerning the Basis for the Special Status

SIR:

The present application relates generally to the field of vapor deposition systems used to deposit a thin film layer, such as a semiconductor layer, on a substrate. More particularly, the subject matter is related to a system and method for rapid cool down of a vapor deposition system for maintenance or other procedures. (See [0001]).

Solar energy systems are gaining wide acceptance as a supplemental or primary source of electrical power in industry and residential applications. The efficiencies of the thin film photovoltaic (PV) modules used in solar energy systems are reaching a level wherein large scale production is becoming economically feasible in terms of cost per watt of power generated. This is particularly true for cadmium telluride (CdTe) based PV modules. CdTe is a semiconductor material having characteristics particularly suited for conversion of solar energy to electricity. For example, CdTe has an energy bandgap of 1.45

eV, which enables it to convert more energy from the solar spectrum as compared to lower bandgap (1.2eV) semiconductor materials historically used in solar cell applications. Also, CdTe converts energy in lower or diffuse light conditions as compared to the lower bandgap materials and, thus, has a longer effective conversion time over the course of a day or in low-light (e.g., cloudy) conditions as compared to other conventional materials. (See [0002]).

However, the advantages of CdTe notwithstanding, sustainable commercial exploitation and acceptance of solar power depends on the ability to produce efficient PV modules on a large production scale in a cost effective manner. The ability to process relatively large surface area substrates in a vapor deposition system with minimal interruptions is a crucial consideration in this regard. (See [0003]).

All vapor deposition systems, such as CSS (Closed System Sublimation) systems, inevitably require shut-down for scheduled maintenance, repairs, and other procedures. However, the systems must be cooled from extremely high operating temperatures (in excess of 500° C) and very low pressures (mTorr range) prior to any such procedures being performed. For example, temperature must be reduced at a controlled rate to below about 400° C before any of the graphite components in the system are exposed to oxygen, or such components may ignite. (See [0004]).

The cool-down of conventional vapor deposition systems typically involves backfilling the vacuum chamber portion of the system with an inert gas, such as nitrogen. The gas provides a conductive medium and the system is allowed to

cool by simple convection. This process is disadvantageous in that it takes an inordinately long time for the system components to cool. Down-times of about 4 hours for cooling conventional systems from operational temperatures and pressure to a temperature suitable for manual handling of the components are typical. The system is not producing PV modules during this time and, thus, down-time directly attributable to the cool-down process can add considerably to the overall manufacturing costs. (See [0005]).

Vacuum furnaces are widely used in the metal fabrication industry for heating materials, typically metals, to very high temperatures (1100° C to 1500° C) to carry out processes such as brazing, sintering, and heat treatment with good consistency and low contamination. Vacuum furnaces typically utilize a quench system to rapidly cool the metal work pieces after the desired process in complete. The quench system recirculates a pressurized inert gas, typically argon, through a heat exchanger and to nozzles in the furnace directed towards the work pieces until a desired temperature of the work pieces is reached, at which time the work piece is removed from the furnace. These quenching systems are not, however, suited for cool-down of an entire vapor deposition system. (See [0006]).

Thus, there exists an ongoing need in the PV module industry for an improved system and method for efficient cool-down of a vapor depositon system. (See [0007]).

In accordance with an embodiment of the invention, a system is provided for vapor deposition of a thin film layer on photovoltaic (PV) module substrates.

The system includes a vacuum chamber through which substrates are conveyed in a vapor deposition process wherein a source material is sublimated and deposited onto a surface of the substrates. For maintenance or other procedures requiring shut-down of the vapor deposition system, a cool-down system is configured with the vacuum chamber to recirculate a cooling gas through said vacuum chamber and through an external heat exchanger in a closed cool-down loop. The cooling gas removes heat from the vacuum chamber and transfers the heat in the heat exchanger. (See [0009]).

In a particular embodiment, the cool-down system includes an intake duct connected at a first location to the vacuum chamber. A supply duct is connected at a second location to the vacuum chamber that is spaced from the first location. An external cool-down chamber is provided, with the intake duct and the supply duct connected to the cool-down chamber. The heat exchanger and a blower are disposed within the cool-down chamber. An inert gas supply is configured to introduce the cooling gas into the closed loop cool-down system. In operation of the cool-down system, the cooling gas is drawn through the vacuum chamber, cooled in the cool-down chamber, and recirculated back through the vacuum chamber in the closed cool-down loop. (See [0010]).

In still another embodiment of the invention, a method is provided for cool-down of a vacuum chamber in a vapor deposition system wherein a thin film layer of a source material is deposited onto photovoltaic (PV) module substrates. The vapor deposition system has a cool-down system configured in fluid communication with the vacuum chamber. The method includes isolating the

cool-down system from the vacuum chamber and evacuating the isolated cool-down system to remove oxygen therefrom. The system is then unisolated and defines a closed cool-down loop that includes the vacuum chamber. An inert gas is introduced into the cool-down loop and is recirculated through the vacuum chamber and a heat exchanger in the cool-down loop so as to cool the vacuum chamber. (See [0012]).

Accordingly, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the discovery or development of renewable energy resources for at least the reason that the claimed embodiments reduce costs associated with the production of solar energy systems using thin film photovoltaic (PV) modules (solar panels), such as CdTe PV modules, which are generally recognized as the most cost efficient of the commercially available solar systems in terms of cost per watt of power generated.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/
Allison W. Mages
Reg. No. 57,275

Dated: November 14, 2011

GE Global Patent Operation

2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/683,807	01/07/2010	JASON SCOTT PAULMAN	242173 (PRSS-19)	3908

93081 7590 12/16/2011

Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville, SC 29602

EXAMINER	
CHEN, BRET P	
ART UNIT	PAPER NUMBER
1715	
MAIL DATE	DELIVERY MODE
12/16/2011	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

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Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville SC 29602

12/16/11

In re Application of	:	
Paulman et al.	:	DECISION ON PETITION
Application No. 12/683,807	:	TO MAKE SPECIAL UNDER
Filed: 1/7/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **242173 (PRSS-19)**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/15/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1715 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE CA 92612-1599

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Mullins et al.	:	
Application No. 12/683,811	:	DECISION GRANTING STATUS
Filed: January 7, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. 18489 (AP)	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 20, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventors, Debbie D. Mullins and Connie M. Stucker, have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to Technology Center AU 4124 for examination on the merits in due course.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEBBIE D. MULLINS
1668 OLD BETHANY ROAD
BRUCEVILLE, TX 766630

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Mullins et al.	:	
Application No. 12/683,811	:	ON PETITION
Filed: January 7, 2010	:	
Attorney Docket No. 18489 (AP)	:	

Ms. Mullins,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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FEB 24 2011

OFFICE OF PETITIONS

CONNIE M. STUCKER
428 COUNTRY ROAD 388
LOTT, TX 46656

In re Application of	:	
Mullins et al.	:	
Application No. 12/683,811	:	ON PETITION
Filed: January 7, 2010	:	
Attorney Docket No. 18489 (AP)	:	

Ms. Stucker,

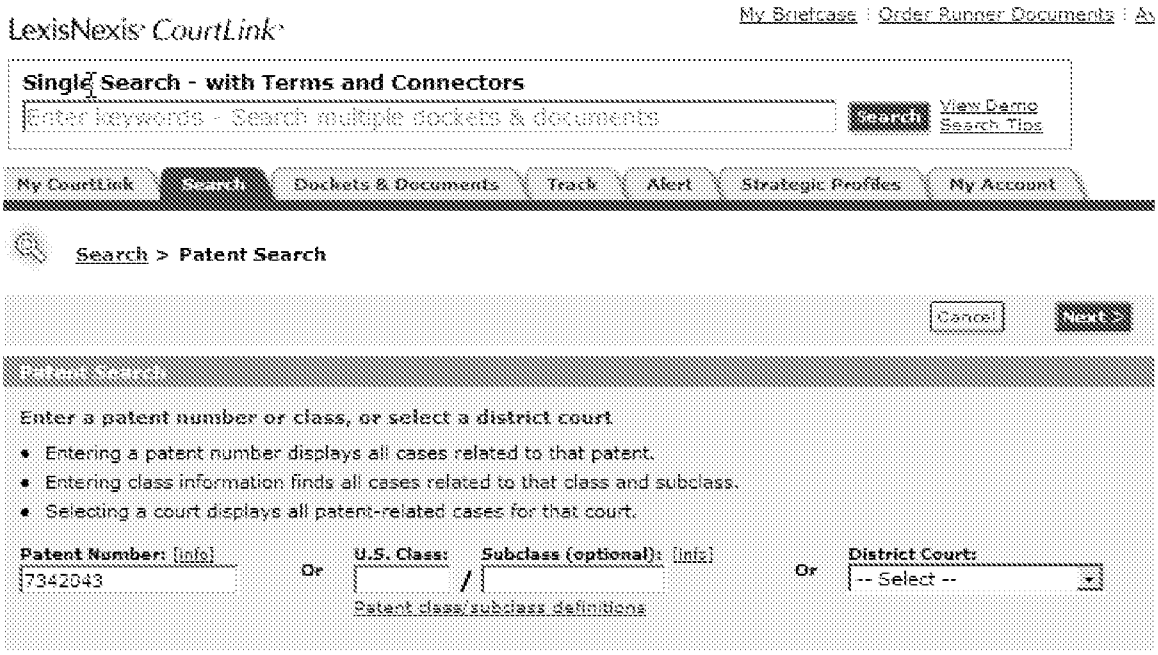
You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

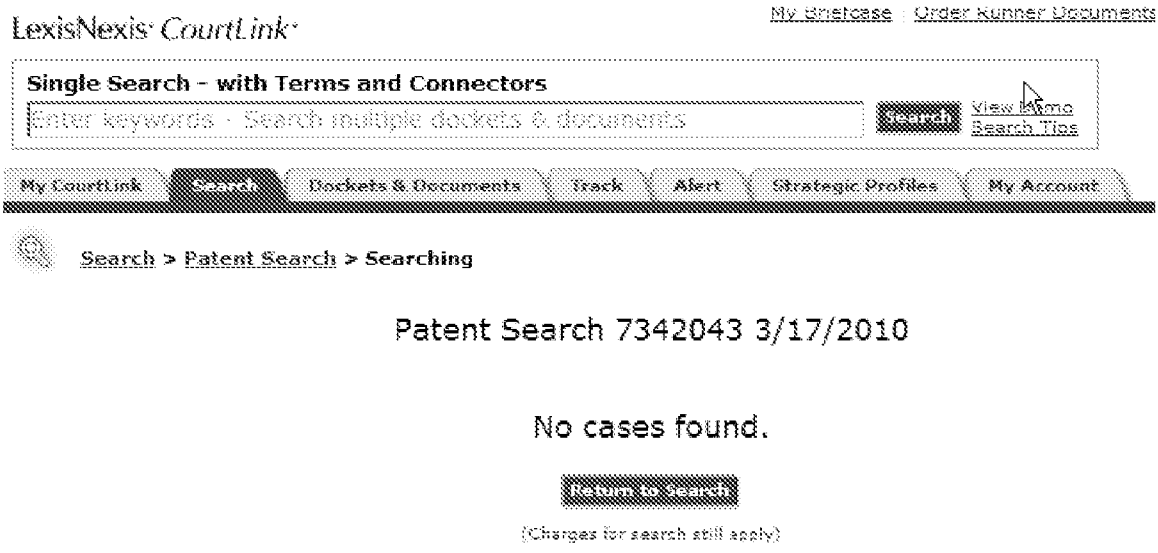
Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

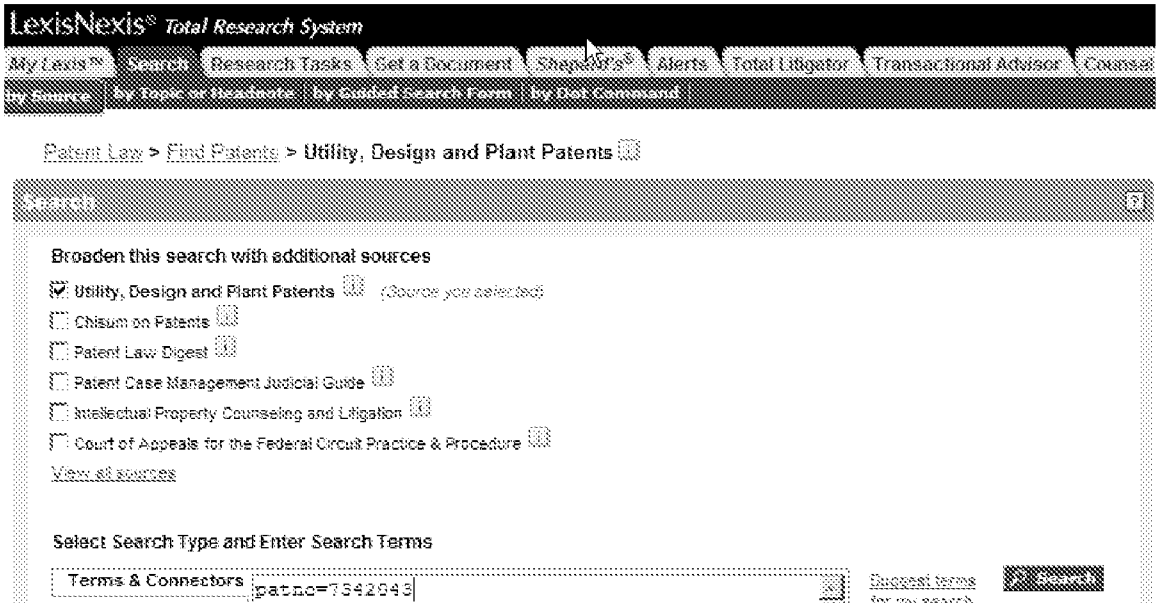
CourtLink, Lexis/Nexis and Dialog Litigation search for USP 7,342,043. Case 12/683,813.



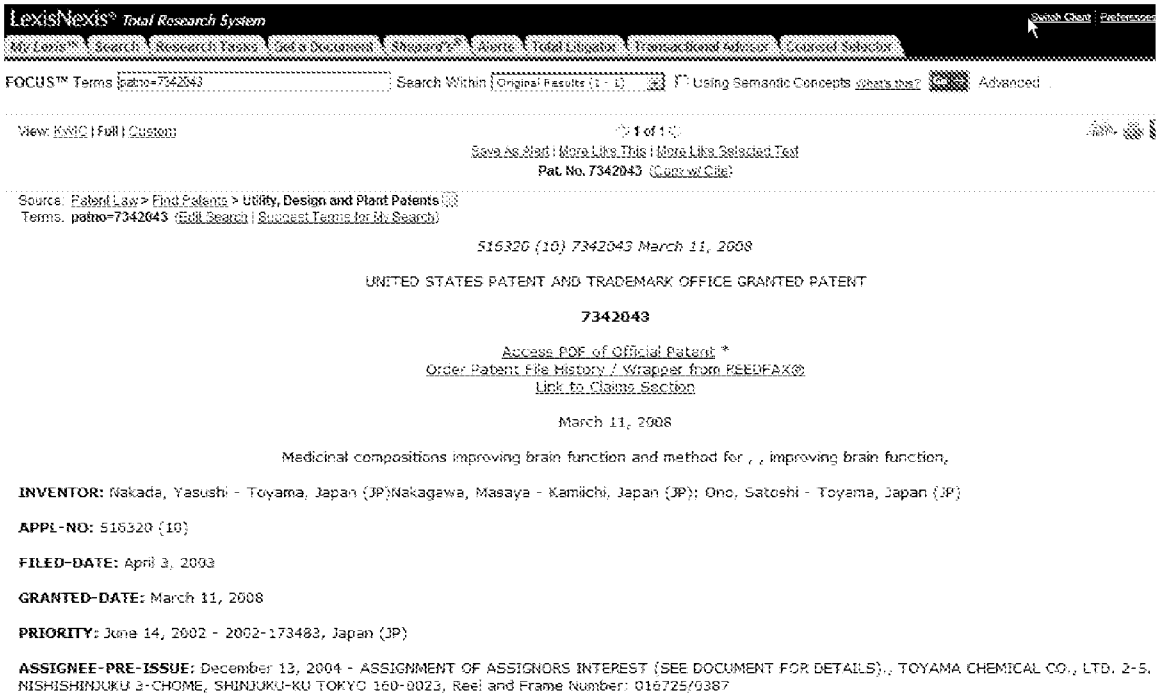
CourtLink search for USP.



No Cases found in CourtLink Search.

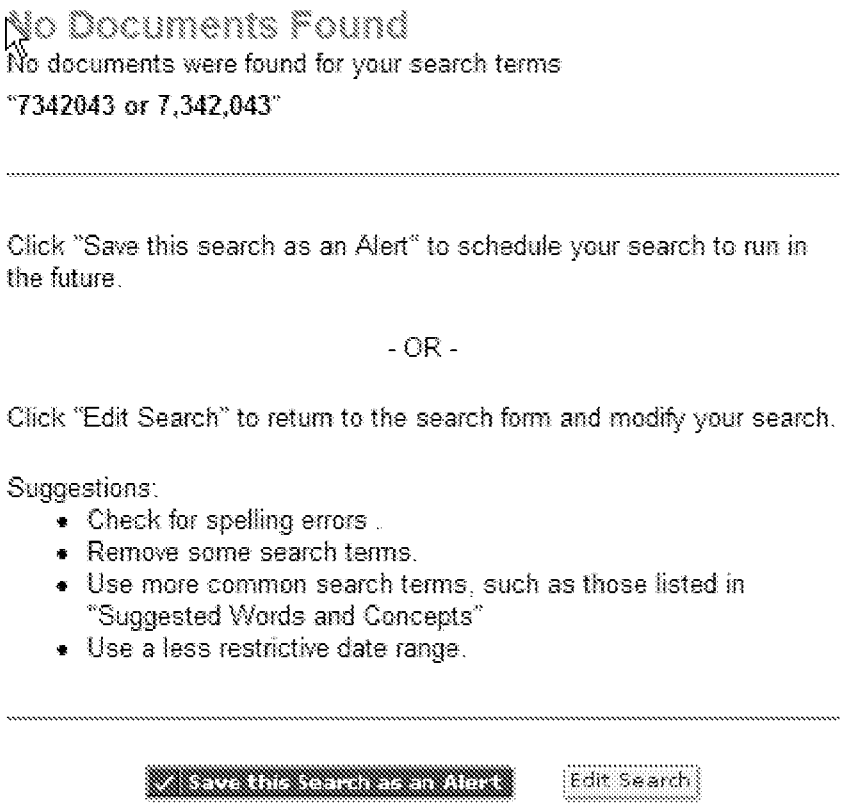


Searched the Utility, Design and Plant Patents database.

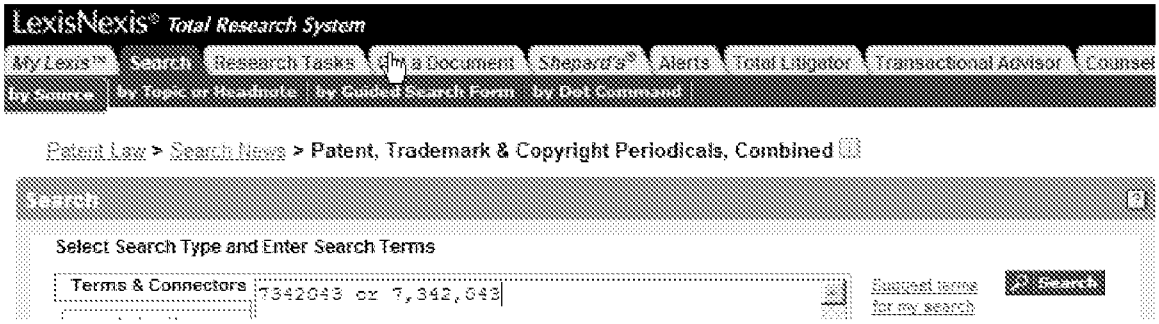


Lexis lists litigation at the top of its patents: No litigation listed.

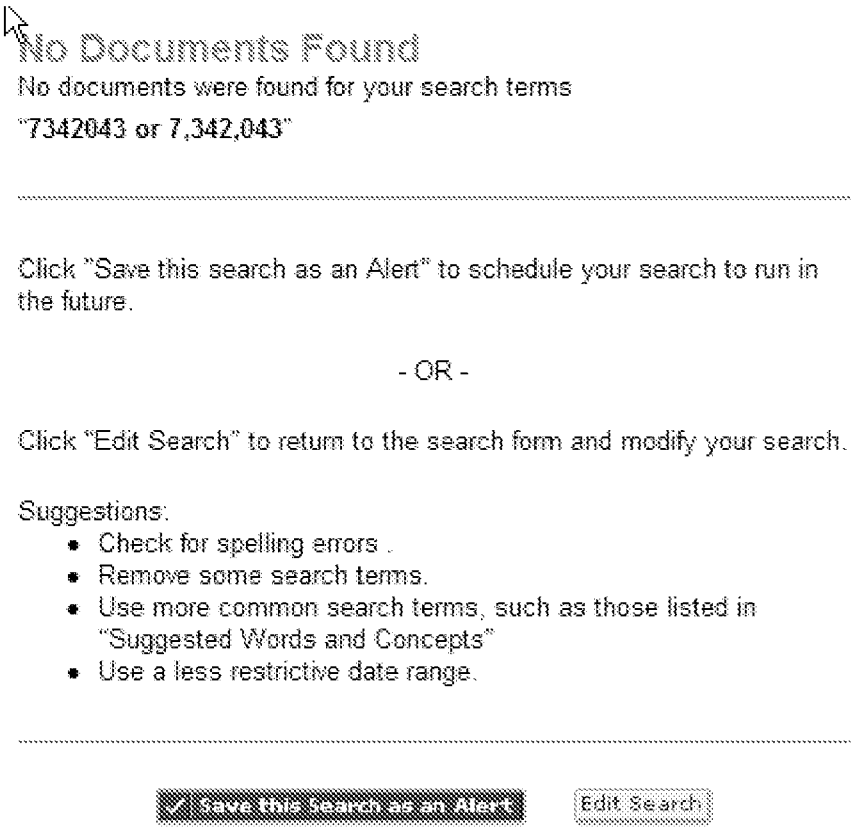
Searched the Patent Cases from Federal Courts and Administrative Materials Database.



No documents found.



Searched the Patent, Trademark & Copyright Periodicals, Combined database.



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No documents were found for your search terms

"7342043 or 7,342,043"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors .
- Remove some search terms.
- Use more common search terms, such as those listed in "Suggested Words and Concepts"
- Use a less restrictive date range.

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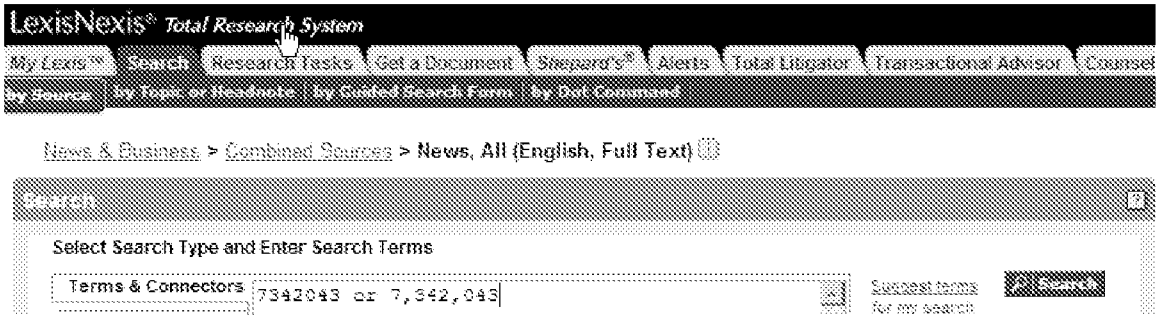
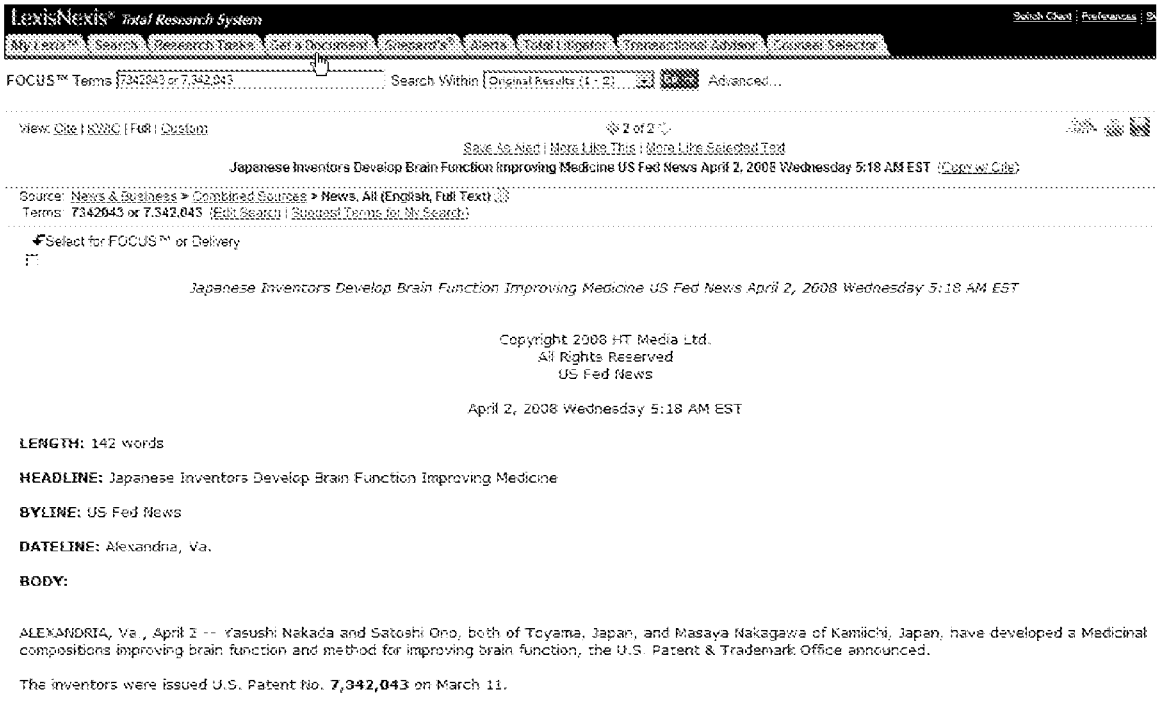
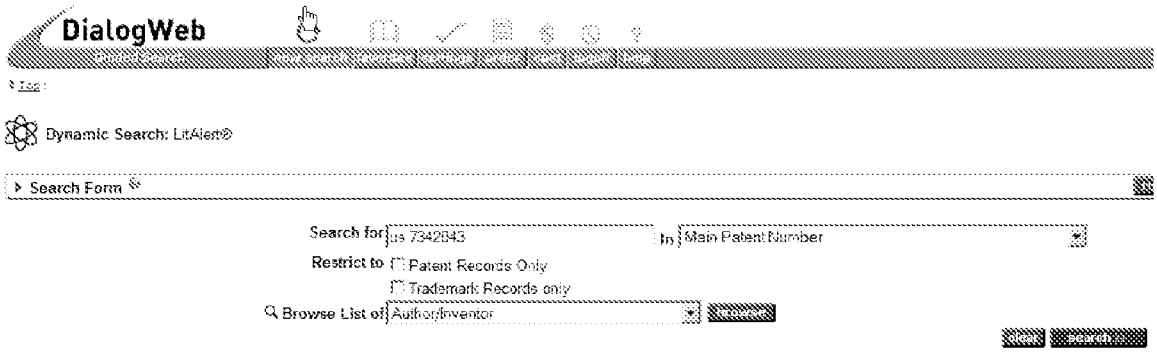
No documents found.



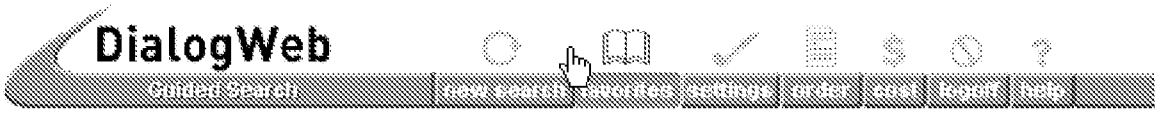
Searched Lexis/Nexis News, All (English, Full Text) database.



One article found. No litigation mentioned.



Searched Dialog for Litigation information.



No Records Found : LitAlert®

There were no records matching your search. Please modify your search and try again.

Tips:

- Don't over-specify: use only the search options you really need.
- Exclude "implied concepts": leave out words like *research* or *effects*.
- Check the format of your entry: some search options require specific spacing or punctuation.
- Use the Browse feature when available to find variations for your terms.
- Use more wildcards to search different word endings.
- Check that you are using parentheses correctly when you combine words with AND, OR, NOT.
- Check for misspelled words.

refine search

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: 241347	Application Number (if known): 12/683,831	Filing date: 01-07-2010

First Named Inventor: EDWIN JACKSON LITTLE

Title: AUTOMATIC FEED SYSTEM AND RELATED PROCESS FOR INTRODUCING SOURCE MATERIAL TO A THIN FILM VAPOR DEPOSITION SYSTEM

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date 11/17/11
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: EDWIN JACKSON LITTLE	)
Confirmation No.: 3950	)
	)
Serial No.: 12/683,831	)
	)
Filing Date: 01-07-2010	)
	)
Atty Docket No.: 241347	)

VIA EFS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement Concerning the Basis for the Special Status

SIR:

The present invention relates generally to the field of thin film deposition systems wherein a thin film layer, such as a semiconductor layer, is deposited on a substrate conveyed through the system. More particularly, the invention is related to a feed system configured to automatically introduce source material into a vapor deposition apparatus without disruption of the vacuum process. (See [0001]).

Thin film photovoltaic (PV) modules (also referred to as "solar panels") based on cadmium telluride (CdTe) paired with cadmium sulfide (CdS) as the photo-reactive components are gaining wide acceptance and interest in the industry. CdTe is a semiconductor material having characteristics particularly suited for conversion of sunlight (solar energy) to electricity. For example, CdTe has an energy bandgap of 1.45 eV, which enables it to convert more energy from the solar spectrum as compared to lower bandgap (1.1eV) semiconductor

materials historically used in solar cell applications. Also, CdTe converts energy in lower or diffuse light conditions as compared to the lower bandgap materials and, thus, has a longer effective conversion time over the course of a day or in cloudy conditions as compared to other conventional materials. Solar energy systems using CdTe PV modules are generally recognized as the most cost efficient of the commercially available systems in terms of cost per watt of power generated. However, the advantages of CdTe notwithstanding, sustainable commercial exploitation and acceptance of solar power as a supplemental or primary source of industrial or residential power depends on the ability to produce efficient PV modules on a large scale and in a cost effective manner. (See [0002]).

Certain factors greatly affect the efficiency of CdTe PV modules in terms of cost and power generation capacity of the modules. For example, CdTe is relatively expensive and, thus, efficient utilization (i.e., minimal waste) of the material is a primary cost factor. In addition, the ability to process relatively large substrates on an economically sensible commercial scale is a crucial consideration. (See [0003]).

CSS (Close Space Sublimation) is a known commercial vapor deposition process for production of CdTe modules. While there are advantages to known CSS processes, the systems are inherently a batch process wherein the glass substrate is indexed into a vapor deposition chamber, held in the chamber for a finite period of time in which the film layer is formed, and subsequently indexed out of the chamber. The system is more suited for batch processing of relatively

small surface area substrates. The process must be periodically interrupted in order to replenish the CdTe source, which is detrimental to a large-scale production process. (See [0004-0005]).

Thus, there exists an ongoing need in the industry for an improved vapor depositon apparatus for economically feasible large-scale production of efficient PV modules, particularly CdTe modules. The present invention relates to a feed system that serves this purpose. (See [0006]).

In accordance with aspects of the invention, an embodiment of a feed system is provided for continuously feeding measured doses of source material to a deposition head in a vapor deposition apparatus wherein the source material is sublimated and deposited as a thin film on a substrate, such as a photovoltaic (PV) module substrate. A "thin" film is generally recognized in the art as less than 10 microns (μm) in thickness. The feed system includes a refillable bulk material hopper, and an upper dose cup disposed to receive source material from the hopper. A lower dose cup is disposed in a vacuum lock chamber and receives a measured dose of source material from the upper dose cup. A transfer mechanism is disposed below the vacuum lock chamber to receive the measured dose of source material from the lower dose cup. The transfer mechanism is configured to transfer the source material to a downstream deposition head for subsequent sublimation and deposition on the substrates while isolating the higher process temperatures within the deposition head and blocking the movement (diffusion) of sublimated gases from traveling upstream within the feed system. (See [0008]).

The present invention also encompasses various embodiments of a vapor deposition apparatus for vacuum deposition of a sublimated source material as a thin film on a substrate conveyed through the apparatus. A particular embodiment of the vapor deposition apparatus includes a deposition head in which source material supplied thereto is sublimated under conditions of high temperature and vacuum. A conveyor assembly is operably disposed below the deposition head to convey a substrate through the apparatus while a thin film of the sublimated source material is deposited onto an upper surface of the substrate. A feed system is configured with the deposition head to continuously feed measured doses of source material thereto. This feed system may include a refillable bulk material hopper, and an upper dose cup disposed to receive source material from the hopper. A lower dose cup is disposed in a vacuum lock chamber and receives a measured dose of source material from the upper dose cup. A transfer mechanism is disposed below the vacuum lock chamber to receive the measured dose of source material from the lower dose cup. The transfer mechanism is configured to transfer the source material to a downstream deposition chamber for subsequent sublimation and deposition on the substrates while isolating the higher process temperatures within the deposition head and blocking the movement (diffusion) of sublimated gases from traveling upstream within the feed system. (See [0010]).

The present invention also encompasses various embodiments of a process for continuously supplying source material to a vapor deposition apparatus without interrupting a vacuum deposition process in the apparatus

wherein the source material is sublimated and deposited as a thin film on a substrate conveyed through the vapor deposition apparatus. In a particular embodiment, the process includes generating a measured amount of the source material, for example from a refillable supply hopper. The source material is then moved through a vacuum equalizing process, which may include moving the measured amount of source material into a vacuum lock chamber, wherein the vacuum pressure is equalized with the vacuum in a downstream deposition head. The source material is then transferred into the deposition head while maintaining vacuum and without interrupting the sublimation process within the deposition head. (See [0012]).

Accordingly, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the discovery or development of renewable energy resources for at least the reason that the claimed embodiments reduce costs associated with the production of solar energy systems using CdTe PV modules (solar panels), which as noted above, are generally recognized as the most cost efficient of the commercially available solar systems in terms of cost per watt of power generated.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/
Allison W. Mages
Reg. No. 57,275

Dated: November 17, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/683,831	01/07/2010	EDWIN JACKSON LITTLE	241347 (PRSS-2)	3950

93081 7590 12/14/2011

Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville, SC 29602

EXAMINER	
HORNING, JOEL G	
ART UNIT	PAPER NUMBER
1712	
MAIL DATE	DELIVERY MODE
12/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

12/14/11

Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville SC 29602

In re Application of	:	
Little et al.	:	DECISION ON PETITION
Application No. 12/683,831	:	TO MAKE SPECIAL UNDER
Filed: 1/7/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **241347 (PRSS-2)**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/17/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It is not agreed that the application on its face meets that materiality standard.

Applicants argue that the instant invention relates to the field of thin film deposition systems and more particularly to a feed system. Applicants further argue that the instant feed systems can be used in conjunction with the processing of photovoltaic modules. However, there is no mention of any photovoltaic module in the instant claims. The materiality standard does not permit an applicant to speculate how an end user might specifically apply the invention in a manner that could materially contribute to (1) materially enhancing the quality of the environment or materially contributing to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1712 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Edwin Jackson Little	)
Confirmation No.: 3950	)
	)
Serial No.: 12/683,831	)
	)
Filing Date: 01-07-2010	)
	)
Atty Docket No.: 241347-1	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 14 December 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") states that Applicants argue that the instant invention relates to the field of thin film deposition systems and more particularly to a feed system. The Decision states that Applicants argue that the instant feed systems can be used in conjunction with the processing of photovoltaic modules. The Decision alleges that there is not mention of any photovoltaic module in the instant claims and implies that Applicant speculates as to how an end user might specially apply the invention in a manner that could materially contribute to materially enhancing the quality of the environment or materially contributing to

development of renewable energy resources or energy conservation or greenhouse gas reduction. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that embodiments of the present invention relate generally to the field of thin film deposition systems wherein a thin film layer, such as a semiconductor layer, is deposited on a substrate conveyed through the system. More particularly, the invention is related to a feed system configured to automatically introduce source material into a vapor deposition apparatus without disruption of the vacuum process. (see at least paragraph [0001]).

As noted in the present application, embodiments of the present invention are particularly associated with the production of thin film photovoltaic (PV) modules, also referred to as "solar panels". (see at least paragraph [0002]). Throughout the specification, it is indicated that the system of the present application may be configured for deposition of a thin film layer on a photovoltaic (PV) module substrate. (see at least paragraph [0023]). As such, Applicant respectfully disagrees that use of the present invention in conjunction with the processing of photovoltaic modules is speculative.

Thin film photovoltaic (PV) modules (also referred to as "solar panels") based on cadmium telluride (CdTe) paired with cadmium sulfide (CdS) as the photo-reactive components are gaining wide acceptance and interest in the industry. CdTe is a semiconductor material having characteristics particularly suited for conversion of sunlight (solar energy) to electricity. For example, CdTe

has an energy bandgap of 1.45 eV, which enables it to convert more energy from the solar spectrum as compared to lower bandgap (1.1eV) semiconductor materials historically used in solar cell applications. Also, CdTe converts energy in lower or diffuse light conditions as compared to the lower bandgap materials and, thus, has a longer effective conversion time over the course of a day or in cloudy conditions as compared to other conventional materials. Solar energy systems using CdTe PV modules are generally recognized as the most cost efficient of the commercially available systems in terms of cost per watt of power generated. However, the advantages of CdTe notwithstanding, sustainable commercial exploitation and acceptance of solar power as a supplemental or primary source of industrial or residential power depends on the ability to produce efficient PV modules on a large scale and in a cost effective manner. (See at least paragraph [0002]).

Certain factors greatly affect the efficiency of CdTe PV modules in terms of cost and power generation capacity of the modules. For example, CdTe is relatively expensive and, thus, efficient utilization (i.e., minimal waste) of the material is a primary cost factor. In addition, the ability to process relatively large substrates on an economically sensible commercial scale is a crucial consideration. (See at least paragraph [0003]).

CSS (Close Space Sublimation) is a known commercial vapor deposition process for production of CdTe modules. While there are advantages to known CSS processes, the systems are inherently a batch process wherein the glass substrate is indexed into a vapor deposition chamber, held in the chamber for a

finite period of time in which the film layer is formed, and subsequently indexed out of the chamber. The system is more suited for batch processing of relatively small surface area substrates. The process must be periodically interrupted in order to replenish the CdTe source, which is detrimental to a large-scale production process. (See at least paragraphs [0004-0005]).

Thus, there exists an ongoing need in the industry for an improved vapor depositon apparatus for economically feasible large-scale production of efficient PV modules, particularly CdTe modules. The present invention relates to a feed system that serves this purpose. (See at least paragraph [0006]).

In accordance with aspects of the invention, an embodiment of a feed system is provided for continuously feeding measured doses of source material to a deposition head in a vapor deposition apparatus wherein the source material is sublimated and deposited as a thin film on a substrate, such as a photovoltaic (PV) module substrate. A "thin" film is generally recognized in the art as less than 10 microns (μm) in thickness. The feed system includes a refillable bulk material hopper, and an upper dose cup disposed to receive source material from the hopper. A lower dose cup is disposed in a vacuum lock chamber and receives a measured dose of source material from the upper dose cup. A transfer mechanism is disposed below the vacuum lock chamber to receive the measured dose of source material from the lower dose cup. The transfer mechanism is configured to transfer the source material to a downstream deposition head for subsequent sublimation and deposition on the substrates while isolating the higher process temperatures within the deposition head and blocking the

movement (diffusion) of sublimated gases from traveling upstream within the feed system. (See at least paragraph [0008]).

Embodiments of the present invention provide a feed system that promotes efficient production of PV modules on a large scale and in a cost effective manner. As noted above, such modules are generally recognized as the most cost efficient of the commercially available solar systems in terms of cost per watt of power generated. By reducing costs associated with the fabrication of solar cells, embodiments of the present invention reduce costs associated with producing solar energy. As such, embodiments of the present invention incentivize the creation and adoption of solar energy resources, and contribute to the development of renewable energy resources.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W Mages/
Allison Weiner Mages
Reg. No. 57,275

Dated: January 14, 2012

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/683,831	01/07/2010	EDWIN JACKSON LITTLE	241347 (PRSS-2)	3950

93081 7590 01/30/2012

Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville, SC 29602

EXAMINER	
HORNING, JOEL G	

ART UNIT	PAPER NUMBER
1712	

MAIL DATE	DELIVERY MODE
01/30/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville SC 29602

JAN 3 0 2012

In re Application of	:	
Little et al.	:	DECISION ON PETITION
Application No. 12/683,831	:	TO MAKE SPECIAL UNDER
Filed: 1/7/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **241347 (PRSS-2)**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/14/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It is not agreed that the application on its face meets that materiality standard.

Applicants argue that embodiments of the present invention relate generally to the field of thin film deposition systems. Applicant continues to point out that the specification discloses embodiments that are associated with the production of thin film photovoltaic modules.

Applicant is directed to the original Federal Register Notice (12/8/2009) which states in part under Section I (Requirements): (4) 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) greenhouse gas emission reduction... (emphasis added)

Applicants are correct that the specification discloses embodiments relating to photovoltaic modules, however as stated above the **claims** are silent with respect to photovoltaic modules. The claims are therefore open to other embodiments including those that are not photovoltaic related. The materiality standard does not permit an applicant to speculate how an end user might specifically apply the invention in a manner that could materially contribute to (1) materially enhancing the quality of the environment or materially contributing to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1712 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EXXONMOBIL UPSTREAM RESEARCH COMPANY
P.O. BOX 2189
(CORP.URC-SW 359)
HOUSTON, TX 77252-2189

MAILED

MAR 23 2011

OFFICE OF PETITIONS

Applicant: Khare, et al.
Appl. No.: 12/683,869
Filing Date: January 7, 2010
Title: USING SEISMIC ATTRIBUTES FOR DATA ALIGNMENT AND SEISMIC INVERSION IN JOINF PP/PS SEISMIC ANALYSIS
Attorney Docket No.: 2009EM003/3
Pub. No.: US 2010/0177595 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 August 11, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the name of the residence "Sugar Land" was misprinted as "Sugar Lane".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the spelling of the inventor's residence is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's residence does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

A Filing receipt was mailed on January 21, 2010, which incorrectly listed the first inventor's residence. To avoid this type of problem in the future applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application

Applicants are encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" 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

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
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 30020-246001	Application Number (if known): 12/683,877	Filing date: January 7, 2010
First Named Inventor: Peter M. Winn		
Title: TORQUE LIMITING COUPLING FOR WIND TURBINE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date December 7, 2010
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

× *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: 30020-246001
Client Ref. No.: AMSC-897

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Peter M. Winn	Art Unit	: 2834
Serial No.	: 12/683,877	Examiner	: Not yet assigned
Filed	: January 7, 2010	Conf. No.	: 4043
Title	: TORQUE LIMITING COUPLING FOR WIND TURBINE		

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources, specifically to the delivery of power generated by wind energy.

Wind power plants have slow moving blades. A transmission system transforms the slow rotation of the blades into a more rapid rotation for generating electricity. Although they move slowly, these blades generate considerable torque that is transmitted along the drive shaft.

In case of a fault, it is possible for this torque to suddenly increase by as much as seven times its normal operating value. This sudden increase in torque can cause considerable damage to a wind turbine's transmission system.

The subject matter of the disclosure pertains to a torque limiter specifically designed for use in a wind power plant to prevent damage that would otherwise arises from a transient increase in the torque generated by the wind turbine's blades. Specifically, claim 1 recites a power train of a wind power plant that includes the torque limiting device.

The subject matter of the disclosure and the claims thus plays a material role in the development of renewable energy resources, and specifically in the generation of

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., 75 Fed. Reg. 98 (May 21, 2010), and 75 Fed. Reg. 217 (November 10, 2010).

wind energy. Accordingly, Applicant requests that examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 30020-246001.

Respectfully submitted,

Date: December 7, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 80841
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

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.
12/683,877	01/07/2010	Peter M. Winn	30020-246001	4043

80841 7590 12/21/2010

Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER	
WAKS, JOSEPH	
ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
12/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@ORTPATENT.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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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
Peter M. WINN	:	DECISION ON PETITION
Application No. 12/683,877	:	TO MAKE SPECIAL UNDER
Filed: January 07, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-246001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 07, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of :
Todd Mull, et al. :
Application No. 12/683,914 : NOTICE
Filed: January 7, 2010 :
Atty Docket No.: 15079-0213 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 31, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/683,936	01/07/2010	Tomomi ISHIDA	TOSH/0088US	4163

26290 7590 12/14/2010
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER	
CHIN, VIVIAN C	
ART UNIT	**PAPER NUMBER**
2614	
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.

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MAIL

DEC 14 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of	:	
ISHIDA, TOMOMI	:	DECISION ON REQUEST TO
Application No. 12/683,936	:	PARTICIPATE IN PATENT
Filed: January 07, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. TOSH/0088US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 16, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of :
Ryo Sawai :
Application No. 12/683,975 : DECISION GRANTING PETITION
Filed: January 7, 2010 : UNDER 37 CFR 1.55(C)
Attorney Docket No. 09812.1851 :

This is a decision on the petition under 37 CFR 1.55(c), filed June 23, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign Application No. JP 2009-005911, filed January 7, 2009.

The petition under 37 CFR 1.55(c) is **GRANTED**.

Petitioner contends that "the original foreign priority claims are compliant." However, as originally filed, petitioner failed to submit the reference on either the Oath/Declaration or an Application Data Sheet (ADS). Therefore, petitioner was not compliant.

The instant pending nonprovisional application was filed on January 7, 2010, and was pending at the time of filing of the instant petition. A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a proper reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The above-identified pending nonprovisional application was filed on January 7, 2010, which is after November 29, 2000 and within 12 months of (the filing date of the foreign application to which benefit is now being claimed). On June 23, 2010, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1,410.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

A filing receipt accompanies this decision on petition.

This matter is being forwarded to Technology Center AU 2614 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this decision may be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/683,975	01/07/2010	2614	1440	09812.1851	15	4

CONFIRMATION NO. 4233

CORRECTED FILING RECEIPT

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 08/02/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ryo Sawai, Tokyo, JAPAN;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications
JAPAN 2009-005911 01/14/2009

If Required, Foreign Filing License Granted: 01/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/683,975**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

COMMUNICATION SYSTEM, COMMUNICATION DEVICE, PROGRAM AND COMMUNICATION CONTROL METHOD

Preliminary Class

379

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,028	01/07/2010	Takahiro SUGAI	NGTOSH.095AUS	4354

7590 09/22/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ART UNIT	PAPER NUMBER
2811	
NOTIFICATION DATE	DELIVERY MODE
09/22/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,029	01/07/2010	Keiichi UEHARA	NGTOSH.096AUS	4355

20995 7590 03/11/2011

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
TSAI, HENRY	

ART UNIT	PAPER NUMBER
2184	

NOTIFICATION DATE	DELIVERY MODE
03/11/2011	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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: K. UEHARA
Application No. 12/684,029
Attorney Docket #: **NGTOSH.096AUS**
Filed: January 7, 2010
For: **INFORMATION PROCESSING APPARATUS AND STORAGE DEVICE CONTROL METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 7, 2011 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of
David L. Snodgrass et al.
Application No. 12/684,034
Filed: January 7, 2010
Title of Invention: **DO IT YOUR SELF SERVICE AND AUTOMATIC ANIMAL WASH**

ON PETITION

This is a decision on the "PETITION TO WITHDRAW NOTICE OF ABANDONMENT DATED FEBRUARY 17, 2011", filed March 2, 2011, which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

In response to the Notice of Omitted Items mailed July 7, 2010, which required the filing of Figure 4 as described in the Specification, a Substitute Specification deleting the reference to Figure 4 with a statement that there was no new matter was filed on August 11, 2010.

In response thereof, a Notice of Abandonment was mailed February 17, 2011 because a proper reply had not been received.

Petitioner argues that on August 11, 2010 a Communication in Response to Notice of Omitted Items dated July 1, 2010, (2 pages) and a Substitute Specification (13 pages) was filed, wherein applicant elected to proceed under III.A.2(b) of the Notice. Petitioner submits copies of the response and, as proof of the filing, an Electronic Acknowledgement Receipt EFS ID: 8198180, dated August 11, 2010. Applicant believes that the response was complete and timely-filed, and respectfully requests withdrawal of the Notice of Abandonment.

Petitioner is advised that while a statement of no new matter was filed, a substitute specification as is required from the Notice of Omitted Items was not filed. Specifically, a clean copy of the specification without the strike-through referencing Figure 4 is required.

In view of the above, and since the arguments presented do not substantiate a finding that a proper response was filed to the July 1, 2010 Notice of Omitted Items, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

Petitioner may wish to file a petition to revive under 37 CFR 1.137(a) or (b). Section 1.137(b) now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 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 Commissioner may required 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)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

In re Application of
David L. Snodgrass et al.
Application No. 12/684,034
Filed: January 7, 2010
Title of Invention: **DO IT YOUR SELF SERVICE AND AUTOMATIC ANIMAL WASH**

ON PETITION

This is a decision on the RENEWED PETITION TO REVIVE UNDER 37 C.F.R. §1.181 OR IN THE ALTERNATIVE, PETITION TO REVIVE UNDER 37 C.F.R § 37 CFR,1.137(b)"[1], filed July 19, 2011.

The petition under 37 CFR 1.181 is **DISMISSED**.
The petition under 37 CFR 1.137(b) is **GRANTED**.

In response to the Notice of Omitted Items mailed July 7, 2010, which required the filing of Figure 4 as described in the Specification, a Substitute Specification deleting the reference to Figure 4 with a statement that there was no new matter filed on August 11, 2010. In response thereof, a Notice of Abandonment was mailed February 17, 2011 because a proper reply had not been received.

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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 a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner argued in a petition filed March 3, 2011, that on August 11, 2010 a Communication in Response to Notice of Omitted Items dated July 1, 2010, (2 pages) and a Substitute Specification (13 pages) was filed, wherein applicant elected to proceed under III.A.2(b) of the Notice. Petitioner submitted copies of the response and, as proof of the filing, an Electronic Acknowledgment Receipt EFS ID: 8198180, dated August 11, 2010. Applicant believes that the response was complete and timely-filed, and respectfully requested withdrawal of the Notice of Abandonment. The petition was dismissed in a decision mailed May 20, 2011 wherein petitioner was advised that while a statement of no new matter was filed, a substitute specification as is required from the Notice of Omitted Items was not filed. Specifically, a clean copy of the specification without the strike-through referencing Figure 4 is required. In view of the above, and since the arguments presented did not substantiate a finding that a proper response was filed to the July 1, 2010 Notice of Omitted Items, the holding of abandonment would not be withdrawn and the notice of abandonment would not be vacated.

Comes now petitioner renewing their argument that the August 11, 2010 response was complete and timely-filed, thus the Abandonment should be withdrawn. With the instant renewed petition, petitioner has not provided any additional proof to persuade the USPTO that in fact the August 11, 2010 response was complete and timely-filed.

With respect to the petition to revive, the petition fee in the amount of $810.00 has been applied and all other requirements under 37 CFR 1.137(b) having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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MAR 2 1 2011

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
Bruce BENT	:	DECISION ON PETITION
Application No. 12/684,071	:	TO EXPUNGE FILED
Filed: January 7, 2010	:	UNDER 37 CFR 1.59(b)
For: SYSTEMS AND METHODS FOR MONEY FUN BANKING WITH FLEXIBLE INTEREST ALLOCATION	:	

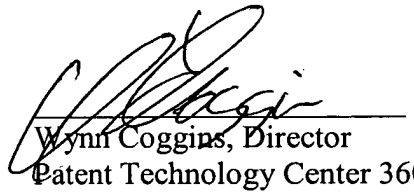
This is a decision on the petition under 37 CFR 1.59(b), filed January 24, 2011, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an Ex parte Quayle action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that the propriety information filed August 20, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.



Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

lm: 3/15/11
LM

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JUN - 7 2011

FOLEY & LARDNER LLP
Suite 500
3000 K Street N.W.
Washington, DC 20007

In re Application of :
Bent et al. : **RESPONSE TO PETITION**
Appl. No.:12/684,071 : **UNDER 37 CFR 1.59 (b)**
Filed: January 13, 2010 :
For: SYSTEMS AND METHODS FOR MONEY FUND :
BANKING WITH FLEXIBLE INTEREST ALLOCATION :

This is a decision on the petitions under 37 CFR 1.59(b) filed on January 24, 2011 to expunge the following information from the above identified application: Document Nos. CD7, CD31, CD35 to CD42, and CD69 to CD71 listed on the PTO/SB/08 form filed August 20, 2010; and Document Nos. CD7, CD31, CD35 to CD42, and CD69 to CD71 which should have been submitted as a Proprietary Information Disclosure Statement (PIDS) under MPEP § 724.02 but were inadvertently submitted in a regular Information Disclosure Statement.

The petition is **GRANTED**.

A petition under 37 CFR 1.59(b) must contain:

(A) a clear identification of the information to be expunged without disclosure of the details thereof;
(B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
(C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
(E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b)

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

As the above conditions have been met, the requested material has been expunged. However, the material will not be returned to the applicants. The obligation to return documents was removed from 37 CFR 1.59 (June 30, 2003 Fed Register, Vol. 68, No. 125, 38613). The documents have been closed from the IFW record so as not to be viewable by non-PTO personnel. This decision

only applies to this application, and any other applications containing the proprietary information will need to be separately decided.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any questions regarding this decision should be directed to Kambiz Abdi at (571) 272-6702.

Wynn Coggins, Director
Patent Technology Center 3600
571-272-5350

ka: 5/27/2011
LM

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AUG 15 2011

OFFICE OF PETITIONS

COOLEY LLP
ATTN: PATENT GROUP
777 – 6TH STREET NW, SUITE 1100
WASHINGTON, DC 20001

In re Application of :
Gordon F. JANKO, et *al.* :
Application No. 12/684,081 : DECISION ON PETITION
Filed: January 7, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. **BIOD-001/03US 311329-2004** : 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 1, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventors Herbert R. Radisch, Jr. and Thomas A. Trozera, attesting to their ages. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/684,095	Filing date:	01-07-2010
First Named Inventor:	GUNTHER SCHADOW		
Title of the Invention:	SYSTEMS AND METHODS FOR SOFTWARE SPECIFICATION AND DESIGN USING A UNIFIED DOCUMENT		

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/IB2010/052948

The international filing date of the corresponding PCT application(s) is/are:
29 June 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/684,095
First Named Inventor:	GUNTHER SCHADOW

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	The claims in the US application are identical to the claims in the PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Georgiy Khayet/	Date March 18, 2011
Name (Print/Typed) Georgiy L. Khayet	Registration Number 59595

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.
12/684,095	01/07/2010	GUNTHER SCHADOW	1012.001US1	4493

85162 7590 04/22/2011

Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
04/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gkhayet@patentjurist.com
nbalabanov@patentjurist.com

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Alexandria, VA 22313-1450
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Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto CA 94303

In re Application of: Gunther SCHADOW
Application No. 12684095
Atty Docket #: **1012.001US1**
Filed: January 7, 2010
For: **SYSTEMS AND METHODS FOR SOFTWARE SPECIFICATION AND DESIGN USING A UNIFIED DOCUMENT**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed March 18, 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 national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (l)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:
   a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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:	12/684,103	Filing date:	January 7, 2010
First Named Inventor:	THOMAS-LEPORE, Grant		
Title of the Invention:	Layered Personalization		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/021115

The international date of the corresponding PCT application(s) is/are: January 15, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/684,103
First Named Inventor:	THOMAS-LEPORE, Grant

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on October 9, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on October 9, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims in U.S. and P.C.T. cases are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Robert Plotkin, Reg#43861/	Date October 13, 2010
Name (Print/Typed) Robert Plotkin, Esq.	Registration Number 43861

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

1. A computer-implemented method for use with a three-dimensional computer model of an object, the model comprising a plurality of layers, each of the plurality of layers comprising at least one corresponding component in the model, each of the plurality of layers being associated with at least one attribute, the method comprising:

(A) rendering each of the plurality of layers with each of a plurality of values of the at least one attribute to produce a plurality of layer renderings;

(B) receiving a first request for a first rendering of a personalized object specifying a plurality of attribute values;

(C) selecting, from among the plurality of layer renderings, a subset of layer renderings corresponding to the specified plurality of attribute values; and

(D) combining the selected subset of layer renderings to produce the first rendering of the personalized object.

2. The method of claim 1, wherein a first one of the plurality of layers comprises a plurality of components, and wherein (A) comprises rendering the plurality of components in the first layer with each of the plurality of values of the at least one attribute.

3. The method of claim 1, wherein (A) comprises:

(A)(1) rendering all of the plurality of layers with each of the plurality of values to produce a first layer rendering; and

(A)(2) removing, from the first layer rendering, representations of all layers other than a particular layer.

4. The method of claim 1, further comprising:

(E) identifying, based on the specified plurality of attribute values, a price of the personalized object.

5. The method of claim 1, wherein (A) comprises rendering shadows of variable-shape components, whereby the plurality of layer renderings include the shadows of the variable-shape components;

wherein the method further comprises:

(E) rendering shadows of invariant-shaped components to produce a layer, distinct from the plurality of layer renderings, containing the shadows of the invariant-shaped components; and

wherein (D) comprises combining the selected subset of layer renderings with each other and with the layer containing the shadows of the invariant-shaped components to produce the rendering of the personalized object.

6. The method of claim 1, further comprising:

(E) storing the first rendering;

(F) receiving a second request specifying the plurality of attribute values;

(G) in response to the second request, providing the first rendering.

7. The method of claim 6, wherein (D) is performed by a first computing device, wherein the method further comprises:

(H) after (D), at the first computing device, transmitting the first rendering of the personalized object to a second computing device; and

wherein (E), (F), and (G) are performed by the second computing device.

8. The method of claim 7, wherein (G) comprises, at the second computing device, transmitting the first rendering over a network to a third computing device.

9. The method of claim 1, wherein (B) and (C) are performed by a first computing device, wherein (D) is performed by a second computing device, and wherein the method further comprises:

(E) before (D), at the first computing device, transmitting the subset of layer renderings over a network to the second computing device.

10. The method of claim 1, wherein (B), (C), and (D) are performed by a first computing device, and wherein the method further comprises:

(E) after (D), transmitting the first rendering of the personalized object to a second computing device.

11. A computer program product comprising computer-readable computer program instructions, tangibly stored on a computer-readable medium, for execution by a computer process to perform a method for use with a

three-dimensional computer model of an object, the model comprising a plurality of layers, each of the plurality of layers comprising at least one corresponding component in the model, each of the plurality of layers being associated with at least one attribute, the method comprising:

(A) rendering each of the plurality of layers with each of a plurality of values of the at least one attribute to produce a plurality of layer renderings;

(B) receiving a first request for a first rendering of a personalized object specifying a plurality of attribute values;

(C) selecting, from among the plurality of layer renderings, a subset of layer renderings corresponding to the specified plurality of attribute values; and

(D) combining the selected subset of layer renderings to produce the first rendering of the personalized object.

12. The computer program product of claim 11, wherein a first one of the plurality of layers comprises a plurality of components, and wherein (A) comprises rendering the plurality of components in the first layer with each of the plurality of values of the at least one attribute.

13. The computer program product of claim 11, wherein (A) comprises:

(A)(3) rendering all of the plurality of layers with each of the plurality of values to produce a first layer rendering; and

(A)(4) removing, from the first layer rendering, representations of all layers other than a particular layer.

14. The computer program product of claim 11, further comprising:

(E) identifying, based on the specified plurality of attribute values, a price of the personalized object.

15. The computer program product of claim 11, wherein (A) comprises rendering shadows of variable-shape components, whereby the plurality of layer renderings include the shadows of the variable-shape components;

wherein the method further comprises:

(E) rendering shadows of invariant-shaped components to produce a layer, distinct from the plurality of layer renderings, containing the shadows of the invariant-shaped components; and

wherein (D) comprises combining the selected subset of layer renderings with each other and with the layer containing the shadows of the invariant-shaped components to produce the rendering of the personalized object.

16. The computer program product of claim 11, further comprising:

(E) storing the first rendering;

(F) receiving a second request specifying the plurality of attribute values;

(G) in response to the second request, providing the first rendering.

17. The computer program product of claim 16, wherein (D) is performed by a first computing device, wherein the method further comprises:

(H) after (D), at the first computing device, transmitting the first rendering of the personalized object to a second computing device; and

wherein (E), (F), and (G) are performed by the second computing device.

18. The computer program product of claim 17, wherein (G) comprises, at the second computing device, transmitting the first rendering over a network to a third computing device.

19. The computer program product of claim 11, wherein (B) and (C) are performed by a first computing device, wherein (D) is performed by a second computing device, and wherein the method further comprises:

(F) before (D), at the first computing device, transmitting the subset of layer renderings over a network to the second computing device.

20. The computer program product of claim 11, wherein (B), (C), and (D) are performed by a first computing device, and wherein the method further comprises:

(E) after (D), transmitting the first rendering of the personalized object to a second computing device.

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,103	01/07/2010	Grant Thomas-Lepore	P0002-1001	4511

24208 7590 12/02/2010

ROBERT PLOTKIN, PC
15 New England Executive Office Park
Burlington, MA 01803

EXAMINER	
CHAUHAN, ULKA J	

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
12/02/2010	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):

RPLOTKIN@RPLOTKIN.COM

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT PLOTKIN, PC
15 New England Executive Office Park
Burlington MA 01803

In re Application of	:	
THOMAS-LEPORE, GRANT, et al.	:	DECISION ON REQUEST TO
Application No. 12/684,103	:	PARTICIPATE IN PATENT
Filed: January 7, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **P0002-1001**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 13, 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;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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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TEXAS INSTRUMENTS INCORPORATED
PO BOXX 655474 M/S 3999
DALLAS TX 75265

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of
Gireesh Rajendran et al
Application No. 12/684,134
Filed: January 8, 2010
Attorney Docket No. TI-67341

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed January 18, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A copy of the corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 2617 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Copy of Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/684,134	01/08/2010	2611	1220	TI-67341	19	3

CONFIRMATION NO. 4576

23494
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

UPDATED FILING RECEIPT

OC000000040332253

Date Mailed: 03/02/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Gireesh RAJENDRAN, Trivandrum, INDIA;
Timothy Don DAVIS, Arlington, TX;
Apu SIVADAS, Bangalore, INDIA;
Michel FRECHETTE, Plano, TX;
Thiagarajan KRISHNASWAMY, Bangalore, INDIA;
Salvatore PENNISI, Allen, TX;
Rakesh KUMAR, Ghazipur, INDIA;
Bijit Thakorbhai PATEL, Allen, TX;
Subhashish MUKHERJEE, Bangalore, INDIA;
Debapriya SAHU, Bangalore, INDIA;

Assignment For Published Patent Application

Texas Instruments Incorporated, Dallas, TX

Power of Attorney: The patent practitioners associated with Customer Number 23494

Domestic Priority data as claimed by applicant

Foreign Applications

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 01/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/684,134**

Projected Publication Date: 07/14/2011

Non-Publication Request: No

Early Publication Request: No

Title

MULTI-MODE TRANSCEIVER AND A CIRCUIT FOR OPERATING THE MULTI-MODE TRANSCEIVER

Preliminary Class

375

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Alexandria, VA 22313-1450
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DAVID W. HIGHET, VP & CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
(DIEHL SERVILLA, LLC)
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Odell et al.	:	
Application No. 12/684,189	:	DECISION ON PETITION
Filed: January 8, 2010	:	
Attorney Docket No. P-4173/2C1C1D1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 19, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 19, 2010. Accordingly, the application became abandoned on January 20, 2011. A Notice of Abandonment was mailed February 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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KILE PARK GOEKJIAN REED & MCMANUS
1200 NEW HAMPSHIRE AVE, NW
SUITE 570
WASHINGTON, DC 20036

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Hsien-Huei Huang, et al.	:	
Application No. 12/684,198	:	NOTICE
Filed: January 8, 2010	:	
Atty Docket No.: 385.216	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Paper No.

MAILED

DEC 14 2011

OFFICE OF PETITIONS

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

In re Application of :
McGill :
Application No. 12/684,240 : DECISION ON PETITION
Filed: January 8, 2010 : PURSUANT TO
Attorney Docket No.: 15079-0214 : 37 C.F.R. § 1.28(c)
Title: CARPET TILE HAVING :
ANTIMICROBIAL PROPERTIES AND :
METHOD OF MANUFACTURING THE :
SAME :

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on October 31, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of $921.00 will be charged to Deposit Account No. 19-5029 in due course, as authorized on the second page of this petition.

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 Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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:	12/684,259	Filing date:	01/08/2010
First Named Inventor:	Premakaran T. Boaz		
Title of the Invention:	Coatings on Glass		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/42763

The international date of the corresponding PCT application(s) is/are: 21 July 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/273,389
First Named Inventor:	Premakaran T. Boaz

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	The claims are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Benjamin Keim 59,217/	Date December 9, 2011
Name (Print/Typed) Benjamin A. Keim	Registration Number 59,217

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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FEB 02 2012

OFFICE OF PETITIONS

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

In re Application of
Premakaran T. BOAZ
Application No.: 12/684,259
Filed: 8 January 2010
Attorney Docket No.: B001-0002US
For: COATINGS ON GLASS

: 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 December 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 April M. Wise at (571) 272-1642.

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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81195473	Application Number (if known): 12/684,322	Filing date: January 8, 2010
First Named Inventor: Ross Dykstra Pursifull		
Title: DISCHARGING STORED EGR IN BOOSTED ENGINE SYSTEM		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date January 19, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

[X] *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Ross Dykstra Pursifull et al.
Application No.	:	12/684,322
Filed	:	January 8, 2010
Title	:	DISCHARGING STORED EGR IN BOOSTED ENGINE SYSTEM
Group Art Unit	:	3747
Confirmation No.	:	5000
Docket No.	:	81195473

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 19, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially enhances the quality of the environment; and/or (2) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (3) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NO_X emissions, which may

negatively impact the quality of the environment. Specifically, the claimed invention makes it more practical to use increased EGR (exhaust gas recirculation) to reduce NO_X emissions by addressing issues typically associated with EGR such as transient control difficulties in boosted engine systems, particularly in combination with spark ignition. As explained in pages 1-2 of Applicants' specification, in boosted engines, higher combustion and exhaust temperatures can lead to higher formation of NO_X than naturally aspirated engines of similar output power. One approach to reduce such temperatures is to use cooled EGR. Systems that rely on cooled EGR are particularly efficacious as they can provide a large flow of gas to the intake, but are liable to transient control problems, such the trapping of large volumes of compressed, EGR-diluted air upstream of the throttle. In certain conditions, such as low-load, closed-throttle conditions, the engine may require fresh air to sustain combustion. Traditional systems to reduce excess intake pressure have relied on opening of a compressor by-pass valve, which reduces absolute pressure but does not eliminate the EGR-diluted air. The claimed invention alleviates such problems by discharging the compressed fresh air/EGR mixture into the exhaust flow. For example, claim 1 recites:

> A method for providing intake air to an engine in a vehicle, the engine receiving the intake air via a throttle valve, the method comprising:
>
> forming a mixture of fresh air and treated exhaust, the treated exhaust drawn from an exhaust flow of the engine downstream of an exhaust-aftertreatment catalyst;
>
> compressing the mixture upstream of the throttle valve; and
>
> in a manner correlated to full or partial closure of the throttle valve, discharging the compressed mixture into the exhaust flow, downstream of the exhaust-aftertreatment catalyst.

That is, a mixture of fresh air and treated exhaust, the exhaust drawn downstream of an exhaust-aftertreatment catalyst, is formed and compressed upstream of the throttle valve. When the throttle is partially or fully closed, the compressed mixture is discharged into the exhaust flow downstream of the exhaust-aftertreatment catalyst. By discharging the compressed fresh air/EGR mixture into the exhaust flow instead of the compressor inlet, the compressed air upstream of the throttle valve can be purged of exhaust gas and replaced by fresh air, alleviating transient control difficulties. By alleviating transient control difficulties, increased levels of EGR may be used, since it is possible to discharge

the EGR when needed. By enabling increased EGR levels, it is possible to further reduce NO_X emissions. Furthermore, the EGR is drawn from the exhaust flow downstream of exhaust-aftertreatment devices, avoiding discharge of untreated exhaust to the ambient during the release. Therefore, the claimed invention increases the quality of the environment by reducing vehicle emissions via improved use of EGR systems.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels) as follows. The use of EGR can improve fuel economy in gasoline engines by reducing throttling losses and heat rejection. By making it possible to use increased EGR, the claimed invention can improve fuel economy, thus conserving fossil fuels.

Regarding basis (3), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, increased use of EGR can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,322	01/08/2010	Ross Dykstra Pursifull	81195473	5000

36865 7590 01/26/2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER	
ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
01/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
PURSIFULL, ROSS DYKSTRA et al	:	DECISION ON PETITION
Application No. 12/684,322	:	TO MAKE SPECIAL UNDER
Filed: Jan. 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81195473	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 19, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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PEARL COHEN ZEDEK LATZER LLP
1500 BROADWAY
12TH FLOOR
NEW YORK NY 10036

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OFFICE OF PETITIONS

In re
Application No. 12/684,328
Filed: January 8, 2010
Attorney Docket No. P-9747-US1

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed February 9, 2011.

The fee deficiency submission under 37 CFR 1.28 of $628, representing $248 for the basic filing fee, $270 for the search fee, and $110 for the examination fee, is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81195474	Application Number (if known): 12/684,337	Filing date: January 8, 2010
First Named Inventor: Allan J. Lippa		
Title: WARMING INTAKE AIR USING EGR COOLER IN DUAL-THROTTLE BOOSTED ENGINE SYSTEM		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 11, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

[X] *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Allan J. Lippa et al.
Application No.	:	12/684,337
Filed	:	January 8, 2010
Title	:	WARMING INTAKE AIR USING EGR COOLER IN DUAL-THROTTLE BOOSTED ENGINE SYSTEM
Group Art Unit	:	3747
Confirmation No.	:	5024
Docket No.	:	81195474

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 11, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially enhances the quality of the environment; and/or (2) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim.

Regarding basis (1), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NO_X emissions, which may

negatively impact the quality of the environment. Specifically, the claimed invention makes it more practical to use EGR (exhaust gas recirculation) to reduce NO_X emissions by addressing issues typically associated with EGR such as transient control difficulties in boosted engine systems, particularly in combination with spark ignition. *See* pages 1-2 of Applicants' specification for a detailed explanation of transient control difficulties. For example, claim 1 recites:

> A method for providing intake air to an engine in a vehicle during a higher engine-load condition and during a lower engine load condition, the method comprising:
>
> delivering compressed fresh air and EGR to the engine via first and second throttle valves coupled to an intake manifold of the engine;
>
> during the higher engine-load condition, cooling an EGR exhaust flow in a heat exchanger, and admitting the cooled EGR exhaust flow to the intake manifold; and
>
> during the lower engine-load condition, warming fresh air in the heat exchanger, and admitting the warmed fresh air to the intake manifold.

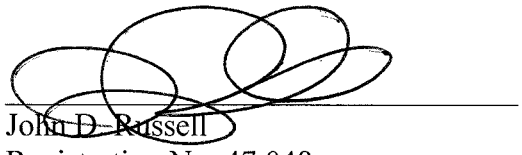
By delivering compressed fresh air and EGR to the engine via first and second (*i.e.*, separate) throttle valves as claimed, improved transient control may be achieved, which makes it more practical to use EGR to reduce NO_X emissions. Further, by warming fresh air in the heat exchanger and admitting the warmed fresh air to the intake manifold during a lower engine-load condition as claimed, combustion reliability may be improved and EGR tolerance may be increased, which also makes it more practical to use EGR to reduce NO_X emissions.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*i.e.*, more efficiently utilizing and conserving fossil fuels). As one specific example, by warming fresh air in the heat exchanger and admitting the warmed fresh air to the intake manifold during a lower engine-load condition as claimed in claim 1, the overall efficiency of the engine during lower engine-load conditions may be improved due to decreased pumping losses. *See* page 13 of Applicants' specification.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP



John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,337	01/08/2010	Allan J. Lippa	81195474	5024

36865 7590 01/14/2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER	
BACON, ANTHONY L	

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
01/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
LIPPA, ALLAN J. et al	:	DECISION ON PETITION
Application No. 12/684,337	:	TO MAKE SPECIAL UNDER
Filed: Jan. 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81195474	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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P.O. BOX 52050
MINNEAPOLIS, MN 55402

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of :
John J. McSheffrey Jr. et al. :
Application No. 12/684,344 : Decision on Petition
Filing Date: January 8, 2010 :
Attorney Docket No. ENGA-0008-P03 :

This is a decision on the petition under 37 CFR 1.182 filed May 11, 2010, to the correct the name of an inventor.

The petition is **granted**.

The application data sheet ("ADS") filed January 8, 2010, included the following names for the inventors:

1. John McSheffrey Jr., and
2. Brendan T. McSheffrey.

The declaration filed March 22, 2010, included the following names for the inventors:

1. John McSheffrey, and
2. Brendan T. McSheffrey.

The instant petition requests the name for the first inventor be changed to John J. McSheffrey Jr.

Petitioner has supplied an ADS, which includes the corrected name for the first inventor.

Petitioner has supplied a declaration signed by both inventors which includes the corrected name for the first inventor.

MPEP 605.04(b) states,

> 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. Since amendments are not permitted after the payment of the

issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

Petitioner has filed the instant petition under 37 CFR 1.182 to correct the first inventor's name and the petition was filed prior to payment of the issue fee. Therefore, the petition is granted.

A corrected filing receipt listing the corrected name for the first inventor is enclosed.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosed: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
12/684,344	01/08/2010	2856	553	ENGA-0008-P03	21	2

CONFIRMATION NO. 5034

CORRECTED FILING RECEIPT

43520
STRATEGIC PATENTS P.C..
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Date Mailed: 09/29/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

John J. McSheffrey JR., Needham, MA;
Brendan T. McSheffrey, Newton, MA;

Power of Attorney: The patent practitioners associated with Customer Number 43520

Domestic Priority data as claimed by applicant

This application is a CON of 11/622,343 01/11/2007
which is a CON of 10/782,288 02/19/2004 PAT 7,174,769
which is a CIP of 10/274,606 10/21/2002 PAT 7,188,679 *
which is a CIP of 09/832,531 04/11/2001 PAT 6,585,055
which is a CIP of 09/212,121 12/15/1998 PAT 6,302,218
which is a CON of 08/879,445 06/20/1997 PAT 5,848,651
which is a CIP of PCT/US97/01025 01/23/1997
which is a CIP of 08/590,411 01/23/1996 PAT 5,775,430
This application 12/684,344
is a CON of 11/856,618 09/17/2007
which is a CON of 10/863,668 06/08/2004 PAT 7,271,704
and is a CIP of 10/782,288 02/19/2004 PAT 7,174,769
and is a CIP of 10/614,948 07/08/2003 ABN *
and is a CIP of 10/274,606 10/21/2002 PAT 7,188,679 *
and is a CIP of 09/832,531 04/11/2001 PAT 6,585,055
and is a CIP of 09/212,121 12/15/1998 PAT 6,302,218
and is a CON of 08/879,445 06/20/1997 PAT 5,848,651
and is a CIP of PCT/US97/01025 01/23/1997
and is a CIP of 08/590,411 01/23/1996 PAT 5,775,430
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 01/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/684,344**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

REMOTE MONITORING OF FLUID CONTAINERS

Preliminary Class

073

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific

countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Doc Code: 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:	12/684,386	Filing date:	Jan. 08, 2010
First Named Inventor:	Rick T. Bedell		
Title of the Invention:	Compressor Having Terminal Plug 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/US2010/020478

The international filing date of the corresponding PCT application(s) is/are: Jan. 08, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
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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 KIPO AND THE USPTO

(continued)

Application No.:	12/684,386
First Named Inventor:	Rick T. Bedell

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 Dec. 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 Dec. 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-21	1-21	The claims are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /MichaelMalinzak/	Date February 9, 2011
Name (Print/Typed) Michael Malinzak	Registration Number 43,770

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,386	01/08/2010	Rick T. Bedell	0315-000704/US	5123

27572 7590 02/11/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
KASTURE, DNYANESH G	

ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
02/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
BEDELL, RICK T. et al	:	DECISION ON REQUEST TO
Application No. 12/684,386	:	PARTICIPATE IN PATENT
Filed: Jan. 8, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 0315-000704-US	:	PROGRAM AND PETITION
Title: COMPRESSOR HAVING TERMINAL PLUG ASSEMBLY	:	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. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, 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 Devon Kramer, the SPE of Art Unit 3746 at 571-272-7118 for Class 417/410 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

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.
12/684,388	01/08/2010	Michael Hatzinikolas	11099-58	5125

7590 12/09/2010
BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

EXAMINER
GILBERT, WILLIAM V

ART UNIT	PAPER NUMBER
3635	

MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2010 [illegible]
[illegible]
[illegible] 272.00 CR
[illegible] 66.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Feldman Gale, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Rao S. Bezwada :
Application No. 12/684,443 : DECISION ON PETITION
Filed: January 8, 2010 : TO WITHDRAW
Attorney Docket No. 1060.BEZW002CIPDIV : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Feldman Gale, P.A., has been revoked by the assignee of the patent application on April 1, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Vance Intellectual Property, PC
5467 Hill Top Street
Crozet, VA 22932-3167

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
12/684,443	01/08/2010	Rao S. Bezwada	1060.BEZW0002CIPDIV

CONFIRMATION NO. 5229

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

POWER OF ATTORNEY NOTICE

Date Mailed: 04/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2011.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/erimando/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SNR DENTON US, LLP
PO BOX 061080
CHICAGO, IL 60606-1080

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of :
Keiji Mabuchi :
Application No. 12/684,472 : DECISION ON PETITION
Filed: January 8, 2010 :
Attorney Docket No. 09792909-7879 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 16, 2011, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 30, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 30, 2011. A Notice of Abandonment was mailed on July 18, 2011.

Petitioner asserts that the Office action dated March 30, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy item 2 of the above-stated requirements.

Accordingly, absent the required evidence to establish non-receipt of the Office action of March 30, 2011, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing 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 prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition 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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 revival under 37 CFR 1.137(b).

Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SNR DENTON US, LLP
PO BOX 061080
CHICAGO, IL 60606-1080

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Keiji Mabuchi :
Application No. 12/684,472 : DECISION ON PETITION
Filed: January 8, 2010 :
Attorney Docket No. 09792909-7879 :

This is a decision on the renewed petition, filed September 20, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before June 30, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed March 30, 2011.

Petitioner asserts that the Notice dated March 30, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the non-received Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

Since petitioner has already satisfied the requirements of the Notice of Allowance and Issue Fee(s) Due by submitting the issue and publication fees, this application is being referred to the Office of Data Management for further processing into a patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/684595	Filing date:	January 8, 2010
First Named Inventor:	Dallas W. Meyer		
Title of the Invention:	THIN-FILM PHOTOVOLTAIC MODULE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/061864

The international filing date of the corresponding PCT application(s) is/are: December 22, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/684595
First Named Inventor:	Dallas W. Meyer

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 01/11/2010

(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
1-41	1-41	Substantially identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /R. Burns Israelsen/ Reg. #42685	Date October 14, 2011
Name (Print/Typed) R. Burns Israelsen	Registration Number 42685

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
DEC 13 2011
OFFICE OF PETITIONS

Maschoff Gilmore & Israelsen
1441 W. Ute Blvd., Suite 100
Park City UT 84098-7633

In re Application of : DECISION ON REQUEST TO
Dallas W. MEYER : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/684,595 : AND PETITION TO MAKE SPECIAL
Filed: January 8, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: T1018.10026US03 :
For: THIN-FILM PHOTOVOLTAIC MODULE

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed October 14, 2011, to make the above-identified application special.

The request is **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 1725 for action on the merits commensurate with this decision once the application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ICON HEALTH & FITNESS, INC
1500 SOUTH 1000 WEST
LOGAN, UT 84321

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of :
Scott R. Watterson, et al. :
Application No. 12/684,605 : DECISION GRANTING PETITION
Filed: January 8, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 99-002.13.8 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 23, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 17, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. J. Dustin Howell appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Howell desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. All future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

[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.*

This application is being referred to Technology Center AU 3764 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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:	12/684,608	Filing date:	08-JAN-2010
First Named Inventor:	William Dunn		
Title of the Invention:	Electronic Display With Mount-Accessible Components		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/20512

The international filing date of the corresponding PCT application(s) is/are:
08-JAN-2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/684,608
First Named Inventor:	William Dunn

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 19 July 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 19 July 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Identical
3	3	Removed Multiple Dependency
4-7	4-7	Identical
8-13	-	No Corresponding Claim
14	8	Identical
15	9	Identical
16	10	Removed Multiple Dependency
17	11	Identical
18	12	Identical
19	13	Identical
20	-	No Corresponding Claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tyler S. Dunham, Reg. No. 60,364/	Date 22 July 2011
Name (Print/Typed) Tyler S. Dunham	Registration Number 60,364

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,608	01/08/2010	David Williams	MAN2241-046B	5583

8698 7590 09/28/2011

STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

EXAMINER	
THOMPSON, TIMOTHY J	
ART UNIT	**PAPER NUMBER**
2835	

MAIL DATE	DELIVERY MODE
09/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re Application of	**: DECISION ON REQUEST TO**
WILLIAMS et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/684608	**: PROSECUTION HIGHWAY**
Filed: 08 January 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: MAN2241-046B	**: TO MAKE SPECIAL UNDER**
For: ELECTRONIC DISPLAY WITH MOUNT-ACCESSIBLE COMPONENTS	**: 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 22 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-3) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Specifically, US claims 8-13 do not correspond to any PCT claims that have novelty, inventive step, and industrial applicability in the PCT application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Colleen Dunn/
Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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:	12/684,608	Filing date:	08-JAN-2010
First Named Inventor:	William Dunn		
Title of the Invention:	Electronic Display With Mount-Accessible Components		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/20512

The international filing date of the corresponding PCT application(s) is/are:
08-JAN-2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/684,608
First Named Inventor:	William Dunn

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 19 July 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 19 July 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Identical
3	3	Removed Multiple Dependency
4-7	4-7	Identical
14	8	Identical
15	9	Identical
16	10	Removed Multiple Dependency
17	11	Identical
18	12	Identical
19	13	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tyler S. Dunham, Reg. No. 60,364/	Date 12 Oct 2011
Name (Print/Typed) Tyler S. Dunham	Registration Number 60,364

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.

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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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,608	01/08/2010	David Williams	MAN2241-046B	5583

8698 7590 11/15/2011

STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

EXAMINER	
THOMPSON, TIMOTHY J	
ART UNIT	PAPER NUMBER
2835	
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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re Application of
WILLIAMS et al.
Application No.: 12/684,608
Filed: January 8, 2010
Attorney Docket No.: MAN2241-046B

: 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 originally on July 22, 2011 and supplemented October 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JUL 15 2011

OFFICE OF PETITIONS

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE, CA 94086

In re Application of :
REYNOLDS, et al :
Application No. 12/684,666 : DECISION ON PETITION
Filed: February 22, 2008 : TO WITHDRAW
Attorney Docket No. MP1744 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 7, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Bradley T. Sako, has been revoked by the assignee of the patent application on June 27, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future correspondence from the Office will continued to be forwarded to the address first copied below until otherwise properly notified.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL W. CALDWELL
4226 RIVERMARK PARKWAY
SANTA CLARA, CA 95054-4150

cc: CYBER SWITCHING INC.
2050 RINGWOOD AVENUE
SAN JOSE CA 95131

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 053963/371920	Application Number (if known): 12/684,682	Filing date: 01-08-2010
First Named Inventor: Daniel L. Meier		
Title: SOLAR CELL INCLUDING SPUTTERED REFLECTIVE LAYER AND METHOD OF MANUFACTURE THEREOF		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date 1/26/11
Name (Print/Typed) Kevin Belote	Registration Number 62,990

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.
12/684,682	01/08/2010	Daniel L. Meier	053963/371920	5759

826 7590 02/07/2011

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
RIDLEY, BASIA ANNA	
ART UNIT	**PAPER NUMBER**
1725	

MAIL DATE	DELIVERY MODE
02/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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2/7/2011

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:	
Daniel Meier et al.	:	DECISION ON PETITION
Application No. 12/684,682	:	TO MAKE SPECIAL UNDER
Filed: January 08, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 053963/371920	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 26, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)
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: 30059-003001	Application Number (if known): 12/684,688	Filing date: January 8, 2010
First Named Inventor: Jason Tsao		
Title: Solar and Wind Hybrid Powered Air-Conditioning/Refrigeration, Space-Heating, Hot Water Supply and Electricity Generation System		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

   If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

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 requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that 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 10, 2010
Name (Print/Typed) Faustino Lichauco	Registration Number 41,942

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

■ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: 30059-003001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Jason Tsao	Art Unit	: Not yet assigned
Serial No.	: 12/684,688	Examiner	: Not yet assigned
Filed	: January 8, 2010	Conf. No.	: 5768

Title SOLAR AND WIND HYBRID POWERED AIR-CONDITIONING/REFRIGERATION, SPACE-HEATING, HOT WATER SUPPLY AND ELECTRICITY GENERATION SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of the role it plays in the more efficient use of energy resources, the reduction of greenhouse emissions, and the development of renewable energy resources.

Specifically, the invention is directed to a system for combining mechanical energy generated by a wind powered subsystem with mechanical energy generated by a solar-powered thermo-mechanical engine to selectively generate electricity, hot water, or temperature control (i.e. heating, cooling, refrigeration)..

In view of the foregoing role that the subject matter of the invention plays in more efficiently using energy resources, Applicant requests that examination be accelerated under the Pilot Program.

A publication fee of $300.00 as set forth in 37 CFR 1.18(d) was paid with the filing date of this application. Accordingly, no fee is believed to be due in connection with this petition. However, to the extent fees are due, please charge our Deposit Account No. 50-4189, referencing Attorney Docket Number 30059-003001.

Respectfully submitted,

Date: December 10, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., 75 Fed. Reg. 98 (May 21, 2010), and 75 Fed. Reg. 217 (November 10, 2010).

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,688	01/08/2010	Jason Tsao	30059-003001	5768

69713 7590 01/05/2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
3748	

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):

INFO@ORTPATENT.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	:	
TSAO, JASON	:	DECISION ON PETITION
Application No. 12/684,688	:	TO MAKE SPECIAL UNDER
Filed: Jan. 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30059-003001	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Dec. 10, 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.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4411

MAILED
MAR 23 2011
OFFICE OF PETITIONS

Applicant: Zuchoski, et al.
Appl. No.: 12/684,698
Filing Date: January 8, 2010
Title: TRACK ASSEMBLY FOR AN ALL-TERRAIN VEHICLE
Attorney Docket No.: 04004-0177-01000
Pub. No.: US 2010/0108421 A1
Pub. Date: May 6, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 6, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the first name of the first inventor and the residence of the second inventor is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the spelling of the first inventor's name "Jeremie" was misprined as "Jereme" and the second inventors residence " St-Gerard-des-Laurentides" was misprinted as " St-Leonard-Des-Laurentides" may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's name and residence does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

A Filing receipt was mailed on January 26, 2010, which incorrectly listed the first inventor's name, and the second inventor's residence. To avoid this type of problem in the future applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/12/11

TO SPE OF : ART UNIT 3765

SUBJECT : Request for Certificate of Correction for Appl. No.: 12684747 Patent No.: 7997013

CofC mailroom date: 11/29/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes to claim 18 be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

Khoa Huynh — 3765

SPE — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120217

DATE : February 16, 2012

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction on Patent No.: 8,049,652

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/SHAWKI ISMAIL/
Supervisory Patent Examiner.Art Unit 2819

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/684,792	Filing date:	01/08/2010
First Named Inventor:	MAYER, Steven T.		
Title of the Invention:	APPARATUS FOR WETTING PRETREATMENT FOR ENHANCED DAMASCENE METAL FILLING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/038901

The international filing date of the corresponding PCT application(s) is/are: 06/16/2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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.:	12/684,792
First Named Inventor:	MAYER, Steven T.

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
1-32	1-32	Claims in the US and PCT applications are identical;
		the PCT application claims are in the English language
		Therefore, a copy of the PCT claims is not necessary
		(claims in both sets are presented in the same order,
		i.e., claim 1 of the PCT application corresponds to claim 1 of
		the US application, claim 2 of the PCT - to claim 2 of the US,
		and so on through claim 32 of the PCT - to claim 32 of the US)

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Stephen C. Glade/	Date 02/01/2011
Name (Print/Typed) Stephen C. Glade	Registration Number 57,601

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,792	01/08/2010	Steven T. Mayer	NOVLP320A/NVLS-3544B1	5981

83422 7590 03/29/2011

Weaver Austin Villeneuve & Sampson LLP - NOVL
Attn.: Novellus Systems, Inc.
P.O. Box 70250
Oakland, CA 94612-0250

EXAMINER	
ART UNIT	PAPER NUMBER
1724	

NOTIFICATION DATE	DELIVERY MODE
03/29/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.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

March 28, 2011

In re application of	:	DECISION ON REQUEST TO
Steven Mayer et al	:	PARTICIPATE IN PATENT
Serial No. 12684,792	:	PROSECUTION HIGHWAY
Filed: January 8, 2010	:	PROGRAM AND
For: APPARATUS FOR WETTING	:	PETITION TO MAKE SPECIAL
PRETREATMENT FOR ENHANCED	:	UNDER 37 CFR 1.102(a)
DAMASCENE METAL FILLING	:	

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 February 1, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRISON & FOERSTER, LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of
Katrin Strandemar, et al.
Application No. 12/684,853
Filed: January 8, 2010
Attorney Docket No. 674912000900

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 28, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others

The request was signed by Robert A. Saltzberg on behalf of all attorneys of record who are associated with customer No. 20872. All attorneys/agents associated with the Customer Number 20872 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: FLIR SYSTEMS AB
PO BOX 3
DANDERYD SWEDEN SE -182 11

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/684,853	01/08/2010	Katrin STRANDEMAR	674912000900

CONFIRMATION NO. 6124

POWER OF ATTORNEY NOTICE

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

OC000000043136741

Date Mailed: 08/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,874	01/08/2010	Zach Serber	107345.00056	6165

30256 7590 11/30/2011

SQUIRE, SANDERS & DEMPSEY (US) LLP
PATENT DEPARTMENT
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

EXAMINER
KETTER, JAMES S

ART UNIT	PAPER NUMBER
1636	

MAIL DATE	DELIVERY MODE
11/30/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SQUIRE, SANDERS & DEMPSEY (US) LLP
PATENT DEPARTMENT
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

In re Application of:
Serber et al.

Serial No.: 12/684,874

Filed: : January 8, 2010

Docket: **107345.00056**

Title: **COMPOSITIONS AND METHODS FOR THE ASSEMBLY OF POLYNUCLEOTIDES**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition of August 26, 2010, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

7. Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

8. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

9. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

10. Proceedings Outside the Normal Examination Process:
    If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

11. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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MAILED
SEP 26 2011
OFFICE OF PETITIONS

Paper No.

AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
SALT LAKE CITY UT 84101

In re Application of	:	
Kim et al.	:	
Application No. 12/684,876	:	DECISION ON PETITION
Filed: January 8, 2010	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
3557.2.375	:	
Title: FILTER CUT-OFF	:	
FREQUENCY CORRECTION CIRCUIT	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 17, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed May 6, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on August 7, 2011. A Notice of Abandonment was mailed on August 22, 2011, subsequent to the filing of this petition.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Applicant has submitted the issue, publication, and petition fees, along with the proper statement of unintentional delay. As such, requirements one through three of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[3]

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.** Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[4] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 See Rule 1.137(d).
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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KRIEGER INTELLECTUAL PROPERTY, INC.
PO Box 872438
Vancouver WA 98687-2438

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Ayyagari et al. :
Application No. 12/684,882 : DECISION ON PETITION
Filed: January 8, 2010 :
Attorney Docket No. SLA1484.1 :

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on June 17, 2011.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a proper response to a non-final Office Action, which was mailed on October 8, 2010. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on January 9, 2011. A Notice of Abandonment was mailed on May 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $810.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2462 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions

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KARL G SCHWAPPACH
17 SOUTH LONG LAKE TRAIL
NORTH OAKS MN 55127

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Zine Eddine Boutaghou	:	DECISION ON PETITION
Application No. 12/684,909	:	TO WITHDRAW
Filed: January 9, 2010	:	FROM RECORD
Attorney Docket No. Luddite-19	:	

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 28, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Karl G. Schwappach does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Karl G. Schwappach not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed July 22, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,945	01/10/2010	Wen-Hsiung Hsieh		6329

7590 10/12/2011

Wen-Hsiung Hsieh
2F, No. 59, Lane 421, MaiJin Road, Anle District
Keelung, 204
TAIWAN

EXAMINER	
OWENS, DOUGLAS W	
ART UNIT	PAPER NUMBER
2821	
MAIL DATE	DELIVERY MODE
10/12/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of:
Uri Rapoport
Application No. 12/684,950
Filing Date: January 10, 2010
Attorney Docket No. 085881/00004

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on October 05, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 26, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and the oath or declaration, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of January 13, 2010 is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

The application is being referred to the Office of Patent Application Processing for further processing.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **URI RAPOPORT**
MESHEK 17
MOSHAV BEN-SHEMEN
73115, IL

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,951	01/10/2010	Michael J. Buerchner	2010001 / CMC	6345

73091 7590 06/14/2011

Marc P. Schuyler
P.O. Box 2535
Saratoga, CA 95070

EXAMINER
ISLAM, SYED A

ART UNIT	PAPER NUMBER
3611	

MAIL DATE	DELIVERY MODE
06/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 13 2011

Marc P. Schuyler
P.O. Box 2535
Saratoga, CA 95070

In re Application of	:	
Michael J. Buerchner et al.	:	DECISION ON PETITION
Application No. 12/684,951	:	UNDER 37 CFR §1.181
Filed: January 10, 2010	:	
For: Portable Shopping Aid	:	

This is a decision on applicants' petition under 37 CFR 1.181 filed on March 4, 2011 requesting withdrawal of the finality of the Office action mailed on December 15, 2010, as well as applicants' petition under 37 CFR 1.127 filed concurrently, requesting entry of an after-final amendment filed on February 14, 2011, which was denied entry on February 28, 2011.

The petition is **GRANTED.**

The record reflects that on May 10, 2010, a non-final Office action was mailed rejecting claims 25, 26 and 35 under 35 U.S.C. 102 and rejecting claims 27-34, 36-47 under 35 U.S.C. 103. On September 9, 2010, applicants filed an amendment amending claim 25 to incorporate limitations drawn from of claim 28; amending claim 35 to change limitations concerning the "feet" and to clarify the supporting structure; amend claim 32 by adding limitations similar to limitations in claim 44, and added new claims 47-50. On December 15, 2010, a final Office action was mailed objecting to claim 31 as depending upon a cancelled claim; rejecting claims 39 and 40 under 35 U.S.C. 112, rejecting claims 35 and 40 under 35 U.S.C. 102 and rejecting claims 25-27, 29, 30-34, 37-48 under 35 U.S.C. 103; and, rejecting claims 35, 36, 39-46 under nonstatutory obviousness-type double patenting. On February 14, 2011, applicant filed an after-final amendment amending claim 31 to correct its dependency and thereby simplifying issues for appeal purposes. On February 28, 2011, an advisory action was mailed refusing the entry of the after final for appeal purposes.

In the petition filed on March 4, 2011, applicants argue that the amendment of September 9, 2010 made no changes that warranted the introduction of a nonstatutory double patenting rejection. Furthermore, applicants argue that the after-final amendment should have been entered since it merely clarifies an issue for appeal.

MPEP 706.07 sets forth that the examiner should never lose sight of the fact that in every case the applicant is entitled to a fair and full hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal; and that in making the final rejection, they [the grounds of rejection] must be clearly developed to such an extent that applicant may readily judge the advisability of appeal unless a single previous Office action contains a complete statement supporting the rejection.

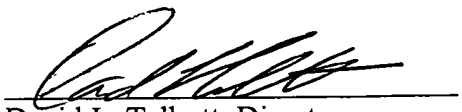
Furthermore, MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicants' amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

With regard to the propriety of the finality of the Office action mailed December 15, 2010, the issue is whether or not the amendment warranted the introduction of the 112, second paragraph rejection of claims 39-40, the objection of claim 31, and the nonstatutory obviousness-type double patenting rejection, resulting in a final action necessitated by amendment, which it did not. Since claims 39-40 were not amended and the recitation of "the first dimension" in claim 35 was unamended, the 112, second paragraph rejection of claims 39-40 was not necessitated by applicants' amendment. The objection to claim 31 is also not necessitated by applicant's amendment as claim 31 was not amended. Similarly, the obviousness-type double patenting rejection of claims 35, 36, 39-46 was not necessitated by applicants' amendment as claims 36, and 39-46 was not amended. Therefore, the finality of that action is hereby withdrawn.

With respect to the petition under 37 CFR 1.127 to request entry of the after-final amendment of February 14, 2011, since the finality has been withdrawn, the after-final amendment will be entered.

Upon mailing of this decision, the application will be forwarded to Support staff for determination as to whether a refund is appropriate. Once that occurs, the application will be forwarded to the examiner for action on the amendment filed February 14, 2011.

Inquiries related to this decision may be directed to Supervisory Patent Examiner Lesley Morris at (571) 272-6651.



David L. Talbott, Director
Patent Technology Center 3600
(571) 272-5150

DT/ldm: 5/25/11

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: 81199982 (67,600-121)	Application Number (if known): 12/684,952	Filing date: 1/10/2010
First Named Inventor: Dale Scott Crombez		
Title: Vehicle Control System and Method		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /RANDYW.TUNG/	Date 03/04/2011
Name (Print/Typed) RANDY W. TUNG	Registration Number 31,311

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,952	01/10/2010	Dale Scott Crombez	81199982(67,600-121)	6347

32997 7590 03/23/2011

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS, MI 48302

EXAMINER	
BROADHEAD, BRIAN J	
ART UNIT	PAPER NUMBER
3664	
MAIL DATE	DELIVERY MODE
03/23/2011	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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MAR 2 3 2011

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
Dale CROMBEZ	:	DECISION ON PETITION
Application No. 12/684,952	:	TO MAKE SPECIAL UNDER
Filed: January 10, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81199982 (67,600-121)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 7, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 3 and 4.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

In regard to item 4, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. Since there is no statement on the materiality standard, it is unclear how in making manual vehicle control into electronic control meets the materiality standard while all of the elements of a vehicle remain the same. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3664 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dale Scott Crombez Group Art Unit: 3664

Serial No.: 12/684,952 Examiner: Broadhead, Brian

Filed: 01/10/2010

For: VEHICLE CONTROL SYSTEM AND METHOD

Attorney Docket No.: 811999862 (67,600-121)

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via Electronic Filing.

Randy W. Tung
Printed Name

Signature

4/25/11
Date

Please forward all correspondence to

TUNG & ASSOCIATES
838 W. Long Lake Road, Suite 120
Bloomfield Hills, MI 48302

PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Assistant Commissioner
for Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Dear Sir:

In response to a Dismissal of the Petition filed 03/07/2011, under 37 CFR 1.102 for making the above-identified application special under the Pilot Program for applications pertaining to Green Technologies, the Applicants respectfully request of reconsideration of the petition.

The petition was dismissed for not fulfilling requirement numbers 3 and 4 to qualify for special status in that "the basis for the special status is not stated" and the materiality standard is not met.

The basis for the special status of the instant invention is that it materially contributes to energy conservation and greenhouse gas reduction by the proper function of a hybrid electric vehicle.

The Applicants hereby respectfully submit that the present application fulfills the special status that the invention materially contributes to energy conservation in enabling the proper operation of a hybrid electric vehicle.

As stated in the instant Application, paragraphs 002, 003, and 004, the invention enables the operation of a hybrid electric vehicle by a disabled driver.

[002] "Vehicles such as hybrid electric vehicles (HEVs) may be equipped with hand-operated controls which enable disabled drivers such as paraplegics to operate the vehicles without the need to depress accelerator and brake pedals with the foot. However, conventional controls for disabled drivers may require

cumbersome mechanical connections between the user interface and the accelerator pedal, brake pedal and other elements of the vehicle which are to be controlled. These mechanical connections may require an expensive modification to the vehicle as well as interfere with the ability of non-disabled persons to operate the vehicle.

[003] Therefore, a by-wire vehicle control system which can be readily connected to a vehicle controller to facilitate operation of a vehicle by a disabled driver and disconnected from the vehicle controller when not in use is needed.

[004] The present disclosure is generally directed to a vehicle control system for a vehicle having an onboard connector and a connector interface connected to the onboard connector. An illustrative embodiment of the vehicle control system includes at least one external controller adapted for unfastenable connection to the connector interface and at least one operator control connected to the at least one external controller."

The Applicants therefore respectfully submit that the present invention discloses a technology to reduce energy consumption of the coolant heater to enable the proper operation of the vehicle and therefore, materially contributes to energy conservation by such operation.

A reconsideration for making special of the present application under the Green Technology Pilot Program is respectfully requested of the Examiner.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,

Randy W. Tung,
Registration No. 31311

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/684,952	01/10/2010	Dale Scott Crombez	81199982(67,600-121)	6347

32997 7590 05/17/2011

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS, MI 48302

EXAMINER	
BROADHEAD, BRIAN J	
ART UNIT	PAPER NUMBER
3665	
MAIL DATE	DELIVERY MODE
05/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAY 17 2011

In re Application of	:	
Dale CROMBEZ	:	DECISION ON PETITION
Application No. 12/684,952	:	TO MAKE SPECIAL UNDER
Filed: January 10, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81199982 (67,600-121)	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed April 25, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, it is unclear how providing a vehicle with hand-operated controls or electronic controls would conserve energy or reduce greenhouse gas emissions when all of the elements of a vehicle remain the same. While hand-operated controls or electronic controls may make it easier for a disabled driver to operate a vehicle without using her/his legs or arms, it does not change how a vehicle is operated – the driver just uses another means to engage the brake to slow down/stop the vehicle, to shift gear to engage the engine to accelerate, etc. This in turn does not change the fuel consumption or greenhouse gas emissions of a vehicle. Therefore, petitioners' assertion of the energy conservation and emissions reduction of a by-wire vehicle control system is entirely speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3665 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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: 81199981 (67,600-122)	Application Number (if known): 12/684,955	Filing date: 1/10/2010
First Named Inventor: Lewis Booth		
Title: CHARGE UTILIZATION CONTROL SYSTEM AND METHOD		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /RANDYW.TUNG/	Date 03/04/2011
Name (Print/Typed) RANDY W. TUNG	Registration Number 31,311

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

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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.
12/684,955	01/10/2010	Lewis Booth	81199981 (67,600-122)	6355

32997 7590 03/24/2011

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS, MI 48302

EXAMINER	
BROADHEAD, BRIAN J	

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
03/24/2011	PAPER

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MAR 24 2011

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
Lewis BOOTH	:	DECISION ON PETITION
Application No. 12/684,955	:	TO MAKE SPECIAL UNDER
Filed: Januaryl 10, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81199981 (67,600-122)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 9, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1, 3 and 4.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. In fact, there are 25 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

In regard to item 4, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It is well known that hybrid electric vehicles do not need to be plugged into an electric outlet in order to be recharged. They charge themselves by using energy normally lost during coasting and braking, and can also be charged by the car's gasoline engine. It is also known that a parallel hybrid vehicle can be programmed to use the electric motor to substitute for the gasoline engine at lower power demands. It is also well known that an electric vehicle does emit greenhouse gases and the batteries are normally charged from electricity produced from fossil fuel. Since there is no statement on the materiality standard, it is unclear how utilizing a charge depletion mode in an electric vehicle would meet the materiality standard. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3664 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Young & Thompson
209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Bo Nilsson, et. al. :
Application No. 12/685,005 : DECISION ON PETITION
Filed: January 11, 2010 : TO WITHDRAW FROM
Attorney Docket No. 1503-1081-1 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed February 11, 2011.

It is noted that practitioner has not certified that he has (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or duly authorized representative of the client 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. The failure to do so may subject the practitioner to discipline. *See USPTO Form No. PTO/SB/83*[1].

It is further noted that practitioner has not provided a correspondence address for the intervening assignee[2] or first named singing inventor. Practitioner is reminded that the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (*See* USPTO Form PTO/SB/82).

In view of the above, the request to withdraw is under 37 CFR §§ 1.36(b) or 10.40 **NOT APPROVED**.

---

[1] Petitioner should note USPTO Form Number PTO/SB/83 requires practitioner to "check each box below that is factually correct" and Warns that "If a box is left unchecked, the request will likely not be approved". (*See USPTO Form No. PTO/SB/83*).

[2] 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 the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Liam McDowell
1061 Dalebrook Drive
Alexandria, VA 22308

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 27 2012

OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of
Keisuke Tani, et al.
Application No.: 12/685,067
Filed: January 11, 2010
Attorney Docket No.: VEHICLE DRIVE POWER GENERATION CONTROL APPARATUS

: REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 27, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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In re Application of
Peter Gold

Application No. 12685070

Filed: January 11,2010

Attorney Docket No. 1792-15

:
:
: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 01-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.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/685,070	Confirmation Number	6612	Filing Date	2010-01-11
Attorney Docket Number (optional)	1792-15	Art Unit	3677	Examiner	
First Named Inventor	Peter Gold				
Title of Invention	WALL FASTENING ASSEMBLY				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Peter		Gold	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Thomas M. Galgano/	Date (YYYY-MM-DD)	2011-06-01
Name	Thomas M. Galgano	Registration Number	27638

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Govindarajan Rangarajan et al. :
Application No. 12/685,096 :
Filed: January 11, 2010 :
Attorney Docket No. **08-037-US (149-0219US)** :

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 May 17, 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).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
Govindarajan Rangarajan et al. :
Application No. 12/685,096 :
Filed: January 11, 2010 :
Attorney Docket No. **08-037-US (149-0219US)** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the change of correspondence address is still considered to be improper.

As stated in the previous decision of May 27, 2011, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Date: 09/26/11

Patent No. : 8008590 B2
Ser. No. : 12/685,106
Inventor(s) : **Chen , et al.**
Issued : **August 30, 2011**
Title : Illuminated key-pad assembly
Docket No. : **PAT 66606A-2**

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

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

Borden Ladner Gervais LLP
1100-100 Queen Street
Ottawa ON K1P 1J9 CA CANADA

LMN

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BORDEN LADNER GERVAIS LLP
1100-100 QUEEN STREET
OTTAWA ON K1P 1J9 CA CANADA

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Patent No. 78,008,590 :
Issue Date: August 30, 2011 :
Application No. 12/685,106 : DECISION ON PETITION
Filed: January 11, 2010 :
Attorney Docket No. PAT 66606A-2 :

This is a decision on the petition, filed, October 24, 2011 which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Research In Motion" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Research In Motion" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Thurman Page
Petitions Examiner
Office of Petitions

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BORDEN LADNER GERVAIS LLP
1100-100 QUEEN STREET
OTTAWA ON K1P 1J9 CA CANADA

MAILED

DEC 13 2011

OFFICE OF PETITIONS

In re Patent No. 8,008,590 :
Issue Date: August 30, 2011 : **CORRECTED**
Application No. 12/685,106 : DECISION ON PETITION
Filed: January 11, 2010 :
Attorney Docket No. PAT 66606A-2 :

This is a decision on the renewed petition, filed, December 07, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Research In Motion Limited" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Research In Motion Limited" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Application of
Gil Friedlander et al.
Application No. 12/685,158
Filed: January 11, 2010
Attorney Docket No. P-73428-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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MAILED
DEC 19 2011
OFFICE OF PETITIONS

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

In re Application of
Gil Friedlander et al.
Application No. 12/685,158
Filed: January 11, 2010
Attorney Docket No. P-73428-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a corrected decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Zeev Pearl on behalf of all attorneys/agents associated with customer number 49443. All attorneys/agents associated with customer number 49443 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: Tawkon
6 Hadganit Street
Ramat Hasharon, Israel 47284

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/685,158	01/11/2010	Gil FRIEDLANDER	P-73428-US

CONFIRMATION NO. 6797

49443
Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

POWER OF ATTORNEY NOTICE

OC000000051316305

Date Mailed: 12/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/10/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/685,158	01/11/2010	Gil FRIEDLANDER	43584-501001US	6797

30623 7590 01/18/2012

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER	
KARIKARI, KWASI	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
01/18/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of)
FRIEDLANDER, GIL, et al.)
Application No. 12/685,158)
Filed: January 11, 2010)
US Publication No. 20100203862)
Published: August 12, 2010)
For: **METHOD AND A SYSTEM FOR CONTROLLING AND TRACKING RADIATION EMITTED FROM MOBILE PHONES**

NOTIFICATION OF IDENTIFICATION OF PRIOR ART IN LATE PROTEST UNDER 37 C.F.R. § 1.291(a)

A protest was filed November 17, 2011 under 37 CFR 1.291 against the above named application. The protest was filed after the August 12, 2010 publication date of the application.

Because the protest was filed after publication of the application and does not include written consent of the applicant's, it is untimely and it is not being entered into the record of the application file. The original protest does not include an indication of service of copy on the applicant. Accordingly, the original protest is included herewith. A duplicate copy was not included with the original protest, see MPEP § 1901.06(V)(A)(2).

/Doris To/

Doris To
Quality Assurance Examiner
Technology Center 2600
Communications

Enclosure: Original protest filed November 17, 2011

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: FMC 2827 PUS (8119180)	Application Number (if known): 12685164	Filing date: January 11, 2010
First Named Inventor: Susan Rebecca Cikanek		
Title: AUTOMOTIVE VEHICLE AND METHOD FOR CONTROLLING POWER CONSUMPTION OF A COMPRESSOR THEREIN		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Benjamin Stasa/	Date 2011/03/15
Name (Print/Typed) Benjamin Stasa	Registration Number 55644

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/685,164	01/11/2010	Susan Rebecca Cikanek	81191810	6814

28395 7590 03/30/2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER	
RUBY, TRAVIS C	

ART UNIT	PAPER NUMBER
3785	

MAIL DATE	DELIVERY MODE
03/30/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
CIKANEK, SUSAN REBECCA et al	:	DECISION ON PETITION
Application No. 12/685,164	:	TO MAKE SPECIAL UNDER
Filed: Jan. 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81191810	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March. 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner indicates that the claimed invention relates to reduction of greenhouse gas emission. This is not convincing. For example, it is not clear how the claimed control for selection of energy source based on operating parameter will provide and enhance the quality of the environment or contribute to energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is currently undergoing pre-examination processing. The application will be forwarded to the Technology Center Art Unit 3785 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of :
Yusuke Yamada, et al. :
Application No.: 12/685,186 : ON PETITION
Filed: January 11, 2010 :
Attorney Docket No.: 00684.003330.13 :

This is a decision on the petition, filed January 12, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

+

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 9, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2884 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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FEB 01 2012
OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of : DECISION ON REQUEST TO
Akihiko TAKENAKA : PARTICIPATE IN PPH PROGRAM
Application No. 12/685,197 : AND PETITION TO MAKE SPECIAL
Filed: January 11, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: MNL-2018-2441 :
For: VALVE TIMING CONTROLLER

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 24, 2011 to make the above-identified application special.

The petition and request are **DENIED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) to (3) and (5) to (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (4).

Regarding the requirement of condition (4), as a Notice of Allowance and Fee(s) Due was mailed January 26, 2012, examination of the U.S. application is deemed to have begun.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of :
Yusuke Yamada, et al. :
Application No.: 12/685,199 : ON PETITION
Filed: January 11, 2010 :
Attorney Docket No.: 00684.003330.15 :

This is a decision on the petition, filed January 12, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 10, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2884 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Philip H. Burrus, IV
Burrus Intellectual Property Law Group, LLC
460 Grant Street
Atlanta, GA 30312

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Vladislav V. Kroutik	:	
Application No. 12/685,238	:	DECISION ON PETITION
Filed: January 11, 2010	:	TO WITHDRAW FROM
Attorney Docket No. BPVLD0002VK.P1	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed March 7, 2011.

The request is **APPROVED**.

The request was signed by Philip H. Burrus, IV on behalf of himself and all attorneys/agents associated with Customer Number 27939. Therefore, Philip H. Burrus, IV and all the attorneys/agents associated with Customer Number 27939 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the sole inventor at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Vladislav V. Kroutik
13049 Cadencia Place
San Diego, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/685,238	01/11/2010	Vladislav V. Kroutik	BPVLD0002VK.P1

CONFIRMATION NO. 6997

POWER OF ATTORNEY NOTICE

27939
PHILIP H. BURRUS, IV
Burrus Intellectual Property Law Group, LLC
460 Grant Street
Atlanta, GA 30312

Date Mailed: 04/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/07/2011.

- 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.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64a U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)**
Application Number	12685268
Filing Date	11-Jan-2010
First Named Inventor	Joshua Manion
Art Unit	2178
Examiner Name	NICHOLAS HASTY
Attorney Docket Number	007662.00002
Title	Enhanced Delivery of Content and Program Instructions

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).

A grantable petition requires the following items:
(1) Petition fee;
(2) Reply;
(3) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

☒ Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requries publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 12-23-2010

☒ The non-publication request has been filed on 11-Jan-2010

☒ STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors. ◯ A joint inventor; all of whom are signing this e-petition. ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Surendra K. Ravula/
Name	Surendra K. Ravula
Registration Number	65588

UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : October 24,2011

In re Application of : DECISION ON PETITION

Joshua Manion

Application No : 12685268

Filed : 11-Jan-2010

Attorney Docket No : 007662.00002

This is an electronic decision on the petition, filed October 24,2011 ,which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED.**

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on

12-23-2010

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:
(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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SUTHERLAND ASBILL
& BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Gilsdorf, et al.
Application No. 12/685,328
Filed: 11 January, 2010
Attorney Docket No. 29763-0006

DECISION ON PETITION

This is a decision on the petition filed on 21 September, 2010, pursuant to 37 C.F.R. §1.47

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 11 January, 2010, without, *inter alia*, a fully executed oath/declaration

On 28 January, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 28 June, 2010, Petitioner Peter G. Pappas (Reg. No. 33,205) submitted, *inter alia*: a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47(a) with fee with statement, and with: an oath/declaration executed by co-inventor Gilsdorf for himself and on behalf of non-signing inventor Joachim Reppenthien). Petitioner failed to submit a statement as to an address for the non-signing inventor, and the showing fails to evidence transmittal to the non-signing inventor directly or through counsel of a copy of the complete application (description, claims, abstract and drawings). Thus there also was no indication of the validity/currency/reasonableness of a last known address for the non-signing inventor and so to present it properly to the Office pursuant to Petitioner's duty of candor to and diligent inquiry before the Office to ascertain same—or to make the basic showing of transmittal of the complete application (description, claims, abstract and drawings) to the non-signing inventor. The petition was dismissed on 21 July, 2010.

On 21 September, 2010, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.47(a) with a showing satisfying the requirements under the Rule to wit: showing/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: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor(s) constructively refused to sign.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) 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

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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JOACHIM REPPENTHIEN
NEUBAUER WEG 1
82054 SAUERLACH
GERMANY

JOACHIM REPPENTHIEN
C/O GLENN E. KARTA
ROTHWELL FIGG ERNST & MANBECK
1435 K STREET NW/STE. 800
WASHINGTON, DC 20005

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OCT 01 2010
OFFICE OF PETITIONS

In re Application of
Gilsdorf, et al.
Application No. 12/685,328
Filed: 11 January, 2010
Attorney Docket No. 29763-0006

COMMUNICATION

Dear Joachim Reppenthien:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

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).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
SUTHERLAND ASBILL
& BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

[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

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K&L Gates LLP
P. O. BOX 1135
CHICAGO, IL 60690

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OFFICE OF PETITIONS

In re Application of Aoyagi :
Application No. 12/685,340 : Decision on Petition
Filing Date: March 16, 2010 :
Attorney Docket No. 3712174-01867 :

This is a decision in response to the petition under 37 C.F.R. § 1.57 filed March 16, 2010, which requests the application be accorded a filing date of January 11, 2010, and requests entry of the drawings filed March 16, 2010.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.57(a)."

Application papers were filed January 11, 2010. Although the specification described drawings, the papers filed January 11, 2010, did not include drawings. Both the declaration and the specification filed January 22, 2009, include a claim for priority under 37 C.F.R. § 1.55 to Japanese Application JP 2009-011692.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on February 25, 2010. The Notice stated drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

The instant petition was timely filed March 16, 2010. The petition requests the application be accorded a filing date of January 11, 2010, and requests entry of the amendment to add drawings filed March 16, 2010.

Pursuant to MPEP 201.17(II), a party must establish all of the following requirements have been met in order to add omitted material to an application pursuant to 37 C.F.R. § 1.57(a):

(A) the application must have been filed on or after September 21, 2004;
(B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
(C) a claim under 37 CFR 1.55 for priority of a prior-filed foreign application,

or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;

(D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;

(E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;

(F) if the application is not otherwise entitled to a filing date, applicant must also file a petition under 37 CFR 1.57(a) accompanied by the petition fee set forth in 37 CFR 1.17(f);

(G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and

(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

Petitioner has failed to satisfy requirements (D), (E), (G), and (H) set forth above.

With respect to item (D), petitioner has failed to establish the drawings were completely contained in the priority application. Specifically, the Office is unable to verify the drawings were completely contained in the foreign application because the petition is not accompanied by a copy of the foreign application. Any request for reconsideration must establish the drawings were completely contained in the priority application.

With respect to item (E), petitioner has failed to file an acceptable amendment. Petitioner combined the petition under 37 C.F.R. § 1.57 and the amendment to add the missing drawings into a single document. However, 37 C.F.R. § 1.4(c) states that each distinct subject, such as a petition and amendment, must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office. Therefore, a petition and amendment cannot be filed as a single document. Any request for reconsideration should include a separate amendment to add the drawings. Please note any future amendment will need to comply with the requirements set forth in 37 C.F.R. § 1.121. For example, as stated in 37 C.F.R. § 1.121(d), "Any new sheet of drawings containing an additional figure must be labeled in the top margin as 'New Sheet.'"

With respect to item (G), petitioner has failed to supply a copy of the priority document. Petitioner states the "Office should be able to obtain a copy of the earlier filed priority Japanese application based on its ongoing initiative with the Japan Office ... regarding the same." Petitioner, not the Office, bears the burden of filing a copy of the priority application in order to add missing material to an application pursuant to 37 C.F.R. § 1.57. Therefore, the assertion the Office can obtain a copy of the application from the Japanese Office fails to satisfy the requirement for the submission of a copy of the priority application. Any request for reconsideration should include a copy of the priority document.

With respect to item (H), petitioner has failed to supply a translation of the priority document. In order to add missing material based on a non-English priority application pursuant to 37 C.F.R. § 1.57, a party must file a translation of the priority application and a statement the translation is accurate. The petition does not clearly state the drawings filed March 16, 2010, are an accurate translation of the Japanese drawings. In fact, the petition does not even clearly state the March 16, 2010, are a translation of the drawings. Instead, the petition merely states the drawings "should be viewed as an English translation of the drawings." Any request for reconsideration must include a set of drawings in English *and* a statement that the drawings are an accurate translation of the Japanese drawings.

Unless a request for reconsideration under 37 C.F.R. § 1.57 is timely filed, the Office of Patent Application Processing will be instructed to accord the application a filing date of March 16, 2010, and to process the application using the application papers filed January 11, 2010, and the drawings filed March 16, 2010.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web. Document Code "PET.OP" should be used if the request is filed electronically.

By mail:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand:
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

K&L Gates LLP
P. O. BOX 1135
CHICAGO, IL 60690

In re Application of Aoyagi :
Application No. 12/685,340 : Decision on Petition
Filing Date: January 11, 2010 :
Attorney Docket No. 3712174-01867 :

This is a decision in response to the renewed petition under 37 C.F.R. § 1.57 filed October 20, 2010, which requests the application be accorded a filing date of January 11, 2010, and requests entry of the drawings filed October 20, 2010.

The petition is **granted**.

Application papers were filed January 11, 2010. Although the specification described drawings, the papers filed January 11, 2010, did not include drawings. Both the declaration and the specification filed January 22, 2009, included a claim for priority under 37 C.F.R. § 1.55 to Japanese Application JP 2009-011692.

The Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" on February 25, 2010. The Notice stated drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

A petition under 37 C.F.R. § 1.57 was filed March 16, 2010. A decision dismissing the March 16, 2010 petition was mailed September 7, 2010.

The instant renewed petition was filed October 20, 2010. The petition is accompanied by an amendment to add 7 sheets of drawings. The petition requests the amendment be entered and the application be accorded a filing date of January 11, 2010.

For applications filed on or after September 21, 2004, one may add inadvertently omitted material needed for a filing date to an application and be accorded a filing date as of the original date of deposit of the application paper upon the filing of a grantable petition under 37 C.F.R. § 1.57(a)(3).

Pursuant to MPEP § 201.17(II), the following requirements must be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

(A) the application must have been filed on or after September 21, 2004;

(B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
(C) a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
(D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
(E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
(F) if the application is not otherwise entitled to a filing date, applicant must also file a petition under 37 CFR 1.57(a) accompanied by the petition fee set forth in 37 CFR 1.17(f);
(G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and
(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

Petitioner has satisfied the requirements set forth above. Therefore, the petition is granted.

The Office of Patent Application Processing will be informed of the instant decision and will process the application with a filing date of January 11, 2010, using the papers filed on January 11, 2010, and the drawings filed October 20, 2010.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Supervisor
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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In re Application of
George Carter

Application No. 12685434

Filed: January 11,2010

Attorney Docket No. 5249-0002

:
:
: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 23-FEB-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12685434	Confirmation Number	7407	Filing Date	2010-11-10
Attorney Docket Number (optional)	5249-0002	Art Unit	3664	Examiner	MOYER, DALE S
First Named Inventor	George Carter				
Title of Invention	AUTOMATED TIRE INFLATION SYSTEM				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
George		Carter	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

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Signature	/michaeldiaz/	Date (YYYY-MM-DD)	2012-02-23
Name	Michael Diaz	Registration Number	40588

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TORONTO ON M3B 3N7 CA CANADA

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OFFICE OF PETITIONS

Applicant: Brown, et al.
Appl. No.: 12/685,475
Filing Date: January 11, 2010
Title: DEVICE AUTHENTICATION
Attorney Docket No.: 1679-377/JLW
Pub. No.: US 2010/0106970 A1
Pub. Date: April 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 10, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in claims 1, 15 and 25 wherein the subscripts were misprinted in severl instances.

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." (Emphasis added) 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 typographical errors in claim 1, 15 and 25 wherein the subscripts were misprinted are not material Office errors, as the errors are due to faulty optical character recognition. The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination

[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).

purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

The 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.

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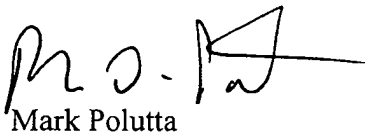
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

CLAIMS

What is Claimed:

1. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, said gyratory compactor apparatus comprising:

a frame defining a frame axis and having a first mounting plate and a spaced-apart second mounting plate;

a pivoted support carried by the frame and capable of rotation in at least a first and a second rotational degree of freedom;

a mold-engaging device carried by the pivoted support and having a first carriage plate proximal the pivoted support and a second carriage plate axially spaced-apart from the pivoted support for receiving the mold therebetween, the second carriage plate being laterally moveable relative to the frame axis by rotation of the pivoted support in either of the first or second degrees of freedom; and

at least one actuator having a first end carried by the frame and a second end carried by the second carriage plate for imparting lateral translation to the second carriage plate relative to the frame axis, wherein a gyratory internal angle is defined between the frame axis and the mold axis.

2. The gyratory compactor apparatus according to claim 1, wherein the second carriage plate is axially translatable about the mold axis.

3. The gyratory compactor apparatus according to claim 1, wherein the mold-engaging device is slideably carried by the pivoted support.

4. The gyratory compactor apparatus according to claim 3, wherein the mold-engaging device further includes a translation mechanism for providing clamping forces to the mold-engaging device and imparting axial translation of the second carriage plate.

5. The gyratory compactor apparatus according to claim 1, wherein the pivoted support is a gimbal.

6. The gyratory compactor apparatus according to claim 1, further including a ram rod in generally axial alignment with the frame axis for providing rotational movement and compressive forces to the mold about the frame axis.

7. The gyratory compactor apparatus according to claim 6, further including a position sensor in communication with the ram rod.

8. The gyratory compactor apparatus according to claim 6, further including an anti-rotate plate on a distal end of the ram rod and further including a plurality of spaced-apart support beams carried on a first end about a periphery of the anti-rotate plate and carried on a second end at the second mounting plate for providing torsional rigidity to retard torsional strain imparted from rotation of the ram rod.

9. The gyratory compactor apparatus according to claim 1, wherein each actuator of the at least one actuator is a hydraulic actuator.

10. The gyratory compactor apparatus according to claim 1, wherein each actuator of the at least one actuator is independently controlled relative to each other actuator.

11. The gyratory compactor apparatus according to claim 1, further including a displacement measurement device in communication with each actuator of the at least one actuator for measuring displacement of each actuator.

12. The gyratory compactor apparatus according to claim 1, wherein each of the at least one actuators define a longitudinal axis between the first end and the second end of each actuator, and an actuation angle is formed relative to the longitudinal axis of each actuator and the frame axis, and wherein the actuation angle is about 23 degrees.

13. The gyratory compactor apparatus according to claim 1, wherein each actuator of the at least one actuator is carried by the first mounting plate.

14. The gyratory compactor apparatus according to claim 1, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

15. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, the gyratory compactor apparatus comprising:

a frame having a first mounting plate and defining a frame axis extending from the first mounting plate;

a pivoted support carried by the frame;

a first carriage plate moveable in response to movement of the pivoted support;

a second carriage plate spaced-apart from the first carriage plate, the second carriage plate being attached to the first carriage plate by at least one clamping rod extending therebetween;

a ram rod in general alignment with the second carriage plate for providing compressive and gyratory forces to a mold held between the first and second carriage plates; and

at least one actuator carried on a first end by the frame and on a second end by the second carriage plate, the actuator being operable to offset the second carriage plate relative to the frame axis such that during gyration of the mold, a gyratory internal angle is defined between the frame axis and the mold axis.

16. The gyratory compactor apparatus according to claim 15, wherein the second carriage plate is axially translatable about the mold axis.

17. The gyratory compactor apparatus according to claim 15, further including a mold-engaging device that is slideably carried by the pivoted support.

18. The gyratory compactor apparatus according to claim 17, wherein the mold engaging device further includes an actuator for imparting axial translation of and providing clamping forces to the second carriage plate.

19. The gyratory compactor apparatus according to claim 15, wherein the pivoted support is a gimbal.

20. The gyratory compactor apparatus according to claim 15, further including a position sensor in communication with the ram rod.

21. The gyratory compactor apparatus according to claim 15, further including an anti-rotate plate on a distal end of the ram rod and further including a plurality of spaced-apart support beams carried on a first end about a periphery of the anti-rotate plate and carried on a second end

at the second mounting plate for providing torsional rigidity to retard torsional strain imparted from gyration of the ram rod.

22. The gyratory compactor apparatus according to claim 15, wherein each actuator of the at least one actuator is a hydraulic actuator.

23. The gyratory compactor apparatus according to claim 15, wherein each actuator of the at least one actuator is independently controlled relative to each other actuator.

24. The gyratory compactor apparatus according to claim 15, further including a displacement measurement device in communication with each actuator of the at least one actuator for measuring displacement of each actuator.

25. The gyratory compactor apparatus according to claim 11, wherein each of the at least one actuators define a longitudinal axis between the first end and the second end of each actuator, and an actuation angle is formed relative to the longitudinal axis of each actuator and the frame axis, and wherein the actuation angle is about 23 degrees.

26. The gyratory compactor apparatus according to claim 15, wherein each actuator of the at least one actuator is carried by the first mounting plate.

27. The gyratory compactor apparatus according to claim 15, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

28. A method for testing a sample contained within a mold for a gyratory compactor apparatus, the mold defining a mold axis and the gyratory compactor apparatus having a frame that carries a mold-engaging device having a pivoted support, a first carriage plate moveable in response to movement of the pivoted support, a second carriage plate spaced-apart from the first carriage plate for receiving the mold therebetween, and at least one actuator carried on a first end by the frame and on a second end at the second carriage plate, the method comprising the steps of:

placing a mold in engagement with the mold-engaging device;

rotating the mold; and

imparting lateral displacement of the mold relative to the frame axis by actuation of the at least one actuator to thereby define a gyratory internal angle between the frame axis and the mold axis.

29. The method according to claim 28, wherein the gyratory compactor apparatus further includes a ram rod in general alignment with the mold for compacting the mold, and further including the step of compacting the mold with the ram rod.

30. The method according to claim 29, further including the step of measuring the compaction of the compacted material in the mold.

31. The method according to claim 29, wherein in the step of rotating the mold, the mold is rotated by the ram rod.

32. The method according to claim 28, further including the step of measuring the gyratory internal angle.

33. The method according to claim 32, wherein the measurement of the gyratory internal angle is measured relative to each rotation of the mold.

34. The method according to claim 28, wherein in the step of imparting lateral displacement of the mold relative to the frame axis by actuation of the at least one actuator, the at least one actuator is a hydraulic actuator in communication with a hydraulic source.

35. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, said gyratory compactor apparatus comprising:

a frame defining a frame axis and having a first mounting plate;

a pivoted support carried by the frame and capable of rotation in at least a first and a second rotational degree of freedom; and

a mold-engaging device carried by the pivoted support, the mold-engaging device comprising a first carriage plate proximal the pivoted support and a spaced-apart second carriage plate that defines a space therebetween for receiving the mold, the second carriage plate having at least one clamping rod in communication with an actuator for translating the second carriage plate about the mold axis to thereby secure the mold in the space between the first and second carriage plates.

36. The gyratory compactor apparatus according to claim 35, wherein the at least one clamping rod is slideably carried by the pivoted support.

37. The gyratory compactor apparatus according to claim 35, wherein the actuator is a pressure actuator that imparts linear translation of the second carriage plate.

38. The gyratory compactor apparatus according to claim 35, wherein the pressure actuator includes a piston slideably received within a cylinder, the piston being in communication with a pressure source for supplying pressure and in communication with a clamping plate that carries the at least one clamping rod such that translation of the piston imparts translation to the clamping plate and corresponding translation of the second carriage plate about the mold axis.

39. The gyratory compactor apparatus according to claim 35, further including a ram rod in general axial alignment with the frame axis for providing rotational and compressive forces to the mold about the frame axis.

40. The gyratory compactor apparatus according to claim 39, further including a position sensor in communication with the ram rod.

41. The gyratory compactor apparatus according to claim 39, further including an anti-rotate plate on a distal end of the ram rod and further including a plurality of spaced-apart support beams carried on a first end about a periphery of the anti-rotate plate and carried on a second end at the second mounting plate for providing torsional rigidity to retard torsional strain imparted from gyration of the ram rod.

42. The gyratory compactor apparatus according to claim 35, further including at least one actuator carried on a first end by the frame and on a second end by the second carriage plate, the actuator being operable to offset the second carriage plate relative to the frame axis such that during gyration of the mold, a gyratory internal angle is defined between the frame axis and the mold axis.

43. The gyratory compactor apparatus according to claim 42, wherein each actuator of the at least one actuator is a hydraulic actuator.

44. The gyratory compactor apparatus according to claim 42, wherein each actuator of the at least one actuator is independently controlled relative to each other actuator.

45. The gyratory compactor apparatus according to claim 42, further including a displacement measurement device in communication with each actuator of the at least one actuator for measuring displacement of each actuator.

46. The gyratory compactor apparatus according to claim 42, wherein each of the at least one actuators define a longitudinal axis between the first end and the second end of each actuator, and an actuation angle is formed relative to the longitudinal axis of each actuator and the frame axis, and wherein the actuation angle is about 23 degrees.

47. The gyratory compactor apparatus according to claim 42, wherein each actuator of the at least one actuator is carried by the first mounting plate.

48. The gyratory compactor apparatus according to claim 35, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

49. The gyratory compactor apparatus according to claim 35, wherein the pivoted support is a gimbal.

50. A method for testing a sample contained within a mold for a gyratory compactor apparatus, the mold defining a mold axis and the gyratory compactor apparatus being of the type comprising a frame that defines a frame axis, a pivoted support carried by the frame, a mold-engaging device having a first carriage plate and a spaced-apart second carriage plate moveable in response to movement of the pivoted support, the carriage plate being in communication with an actuator for translating the second carriage plate about the mold axis to thereby secure the mold in a space defined between the first and second carriage plate, the method comprising the steps of:

placing a first end of a mold into contact with a selected one of the first or second carriage plates;

actuating the actuator in order to impart translation of the second carriage plate until the second end of the mold contacts the other of the selected one of the first or second carriage plates, thereby securing the mold in the space defined between the first and second carriage plates; and

imparting rotational and compressive forces to the mold in order to compact the sample contained therein.

51. The method according to claim 51, wherein the gyratory compactor apparatus further includes a ram rod in general alignment with the mold for compacting the mold, and further wherein, in the step of imparting rotational and compressive forces to the mold, the rotational and compressive forces are applied with the ram rod.

52. The method according to claim 50, further including the step of measuring the compaction of the compacted material in the mold.

53. The method according to claim 50, wherein a gyratory internal angle is defined between the mold axis and the frame axis, further including the step of measuring the gyratory internal angle.

54. The method according to claim 53, wherein the measurement of the gyratory internal angle is measured relative to each rotation of the mold.

55. A gyratory compactor apparatus adapted to interact with a mold defining a mold axis, said gyratory compactor apparatus comprising a ram rod in generally axial alignment with the mold axis for providing compressive forces to the mold about the mold axis, wherein the compressive forces provided by the ram rod models a predetermined waveform.

56. The gyratory compactor apparatus according to claim 55, wherein the waveform is a sinusoidal waveform.

57. The gyratory compactor apparatus according to claim 55, wherein the waveform is a triangular waveform.

58. The gyratory compactor apparatus according to claim 55, wherein the waveform is a saw-tooth waveform.

59. The gyratory compactor apparatus according to claim 55, wherein the waveform is a square waveform.

60. The gyratory compactor apparatus according to claim 55, further including a signal generator in communication with the ram rod for providing the predetermined waveform.

61. A method for compacting a sample contained within a mold for a gyratory compactor apparatus of the type having a mold-engaging device, the method comprising the steps of:

placing the mold in engagement with the mold-engaging device; and

imparting compressive forces to the mold in order to compact the sample contained therein, wherein the compressive forces are imparted according to a predetermined waveform.

62. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a sinusoidal waveform.

63. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a triangular waveform.

64. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a triangular waveform.

65. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a saw-tooth waveform.

66. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a square waveform.

67. A gyratory compactor apparatus adapted to interact with a mold that defines a first end and a spaced-apart second end, said gyratory compactor apparatus comprising a mold-engaging device having a carriage plate assembly for engaging a respective one of the first or second ends of the mold, the carriage plate assembly having a first engagement surface for engaging the respective one of the first or second ends of the mold, wherein at least one of the first engagement surface, the first end of the mold, or the spaced-apart second end of the mold defines at least one textural feature for providing anti-slip characteristics between the first engagement surface and the respective one of the first or second ends of the mold.

68. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises at least one groove.

69. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises etching.

70. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises chiseling.

71. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises sandblasting.

72. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises a friction increasing coating.

73. The gyratory compactor apparatus according to claim 67, wherein the first engagement surface defines a textural feature.

74. The gyratory compactor apparatus according to claim 67, wherein the first end of the mold defines a textural feature.

75. The gyratory compactor apparatus according to claim 67, wherein the spaced-apart, second end of the mold defines a textural feature.

76. The gyratory compactor apparatus according to claim 67, wherein the carriage plate assembly defines a second engagement surface spaced-apart from the first engagement surface and defining a space therebetween for receiving the mold, wherein the second engagement surface engages the other of the respective one of the first or second ends of the mold.

77. The gyratory compactor apparatus according to claim 76, wherein the second engagement surface defines a textural feature.

78. The gyratory compactor apparatus according to claim 67, wherein the first engagement surface defines a textural feature and the first end of the mold defines a textural feature, and further wherein the textural feature of the first engagement surface and the textural feature of the respective one of the first or second ends of the mold are configured to matingly engage and thereby increase axial friction at the engagement of the first engagement surface and the respective one of the first or second ends of the mold.

79. The gyratory compactor apparatus according to claim 67, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

80. The gyratory compactor apparatus according to claim 67, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and further wherein the mold does not have a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

81. The gyratory compactor apparatus according to claim 67, wherein the mold is a mold of the type consisting of an elongate cylinder that defines a cavity therein for receiving the sample.

82. A method for calibrating a gyratory compactor apparatus configured to compact and impart an orbital motion to a sample in a mold that defines a mold axis, the gyratory compactor apparatus including at least one actuator for imparting lateral displacement of the mold relative to a longitudinal axis of the gyratory compactor apparatus, the method comprising the steps of:

imparting lateral orbital displacement of the mold relative to the gyratory compactor apparatus by actuation of the at least one actuator to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis;

measuring the gyratory angle;and

determining adjustments to actuation of the at least one actuator based on the measured gyratory angle and a target angle.

83. The method according to claim 82, further including the step of measuring a force exerted on the mold, and wherein determining adjustments to actuation comprises determining adjustments to actuation of the at least one actuator based on the measured force.

84. The method according to claim 82, wherein measuring the gyratory angle comprises measuring the gyratory angle relative to each rotation of the mold.

85. The method according to claim 82, wherein imparting lateral orbital displacement comprises imparting lateral orbital displacement of the mold relative to the gyratory compactor apparatus by actuation of a hydraulic actuator in communication with a hydraulic source.

86. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, the gyratory compactor apparatus comprising:

at least one actuator configured to actuator to impart lateral orbital displacement of the mold relative to the gyratory compactor apparatus to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis; and

a control system configured to:

determine adjustments to actuation of the at least one actuator based on a measurement of the gyratory angle and a target angle; and

control actuation of the at least one actuator based on the determined adjustments.

87. The gyratory compactor apparatus according to claim 86, further comprising a force sensor configured to measure a force exerted on the mold, and

wherein the control system is configured to determine adjustments to actuation of the at least one actuator based on the measured force.

88. The gyratory compactor apparatus according to claim 86, wherein each actuator of the at least on actuator is independently controlled by the control system.

89. The gyratory compactor apparatus according to claim 86, wherein each actuator of the at least one actuator is a hydraulic actuator.

90. A method for calibrating a gyratory compactor apparatus configured to compact and impart a displacement to a sample in a mold that defines a mold axis, the gyratory compactor apparatus including at least one actuator for imparting lateral displacement of the mold relative to a longitudinal axis of the gyratory compactor apparatus, the method comprising the steps of:

inserting a moment simulation device in a mold to apply a moment;

imparting lateral displacement of the mold relative to the gyratory compactor apparatus by actuation of the at least one actuator to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis;

measuring the actual moment;

applying a compression force onto the mold to thereby generate an actual moment;

measuring at least one force applied by the at least one actuator; and

determining a relationship between the measured at least one force applied by the at least actuator and the applied moment.

91. The method according to claim 90, further comprising determining a corrective parameter for the moment simulation device based on the determined relationship.

92. The method according to claim 90, further comprising storing the corrective parameter.

93. The method according to claim 90, further comprising filtering the measurement of the at least one force.

94. The method according to claim 90, further comprising displaying the measurement of the actual moment.

95. The method according to claim 90, further comprising one of interpolating and extrapolating at least one correction for different predetermined forces exerted on the mold.

96. A gyratory compactor apparatus adapted to compact and impart an orbital motion to a sample in a mold that defines a mold axis, the gyratory compactor apparatus comprising:

at least one actuator configured to impart lateral orbital displacement of the mold relative to the gyratory compactor apparatus to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis;

a device configured to apply a compression force onto the mold;

at least one sensor configured to measure at least one force applied by the at least one actuator; and

a control system configured to control the gyratory compactor apparatus to vary the orbital motion to match a predetermined moment to be exerted on the sample.

97. The gyratory compactor apparatus according to claim 96, wherein the control system is configured to determine a corrective parameter for the moment simulation device.

98. The gyratory compactor apparatus according to claim 97, wherein the control system is configured to store the corrective parameter.

99. The gyratory compactor apparatus according to claim 96, wherein the control system is configured to filter the measurement of the at least one force.

100. The gyratory compactor apparatus according to claim 96, further comprising a display configured to display the measurement of the actual moment.

101. The gyratory compactor apparatus according to claim 96, further comprising a display configured to display one of error of the measurement of the actual moment from a target

moment, a three-dimensional representation of the actual moment, shear pressure, shear moment, and eccentricity.

102. The gyratory compactor apparatus according to claim 96, further comprising a display configured to display one of the measurement of the actual angle or corresponding error from the prescribed value, the three-dimensional representation of the angle, and average angle per gyration.

103. The gyratory compactor apparatus according to claim 96, further comprising a memory configured to store one of the measurement of the actual angle or corresponding error from the prescribed value, the three-dimensional representation of the angle, and average angle per gyration.

104. The gyratory compactor apparatus according to claim 96, wherein the control system is configured to interpolate and extrapolate at least one correction for different predetermined forces exerted on the mold.

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Pros Hwy

PTO/SB/20KR (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/685,482	Filing Date:	1-11-2010
First Named Inventor:	Francis D. Caulfield		
Attorney Docket No.:	104/4 UTIL		
Title of the Invention:	GYRATORY COMPACTOR APPARATUSES AND ASSOCIATED METHODS		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding KIPO 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 KIPO/PCT application number(s) is/are: PCT/US10/20655

The filing date of the KIPO/ PCT application(s) is/are: 1-11-2010

I. List of Required Documents:

a. **A copy of all KIPO office actions which are relevant to patentability (excluding "Decision to Grant a Patent"*) in the above identified KIPO application(s)**

☑ Is attached.

☐ Is not attached because the KIPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the KIPO in the above-identified KIPO application(s)**

☑ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

d. **(1) An information disclosure statement listing the documents cited in the KIPO 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/20KR (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

(continued)

Application No.:	12/685,482
First Named Inventor:	Francis D. Caulfield

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
1-14	1-14	Same claim language
16-35	15-34	Same claim language

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the KIPO application.

Signature /Justin R. Nifong/	Date 1-28-2011
Name (Print/Typed) Justin R. Nifong	Registration Number 59,389

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.
12/685,482	01/11/2010	Francis D. Caulfield	104/4 UTIL	7511

79683 7590 03/01/2011

OLIVE LAW GROUP, PLLC
130 EDINBURGH SOUTH DRIVE, SUITE 107
CARY, NC 27511

EXAMINER	
DUNLAP, JONATHAN M	
ART UNIT	**PAPER NUMBER**
2855	

MAIL DATE	DELIVERY MODE
03/01/2011	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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OLIVE LAW GROUP, PLLC
130 EDINBURGH SOUTH DRIVE, SUITE 107
CARY NC 27511

In re Application of
CAULFIELD et al.
Application No.: 12/685,482
Filed: 11 January 2010
Attorney Docket No.: 104/4 UTIL
For: GYRATORY COMPACTOR APPARATUSES AND ASSOCIATED METHODS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 28 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Conditions (1-3), and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Claims 36-47 appear to correspond to PCT claims 55-66. PCT claims 55-66 were not shown to have a positive opinion on the International Search Report.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Caulfield, Francis D.**	**Confirmation No.: 7511**
Application No.: 12/685,482	**Group Art Unit: 32855**
Filing Date: 1/11/2010	**Examiner: DUNLAP, Jonathan M.**

For: GYRATORY COMPACTOR APPARATUSES AND ASSOCIATED METHODS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

General Transmittal Accompanying Petition

for Patent Prosecution Highway

Amendments to the Claims are reflected in the preliminary amendment filed herewith.

Remarks begin on page 2 of this paper.

REMARKS

Applicant has submitted a preliminary amendment herewith in response to the DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a) mailed on 3/1/2011 in which the petition to participate in the Patent Prosecution Highway (PPH) was denied.

The petition indicates that conditions (1-3), and (5-7) of the PPH program were satisfied. However, condition (4) was determined to be insufficient. Specifically, the petition decision states that "applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Claims 36-47 [of the original application] appear to correspond to PCT claims 55-66. PCT claims 55-66 were not shown to have a positive opinion on the International Search Report."

Applicant has canceled claims 36-47 of the originally filed application with the filing of the preliminary amendment filed herewith. Additionally, Applicant has canceled claim 15 of the originally filed application. These claim cancelations were made to correspond with the claims examined and indicated as having novelty, inventive step, and industrial applicability in the PCT application.

Applicant submits that the application is now in condition to participate in the PPH program. The Request Form for Participation in the Patent Prosecution Highway was filed on January 28, 2011 and had attached thereto copies of the Required Documents listed on the Request. Accordingly, Applicant believes that no new documents or requests are required with the filing of this preliminary amendment.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the application is now in condition for entry into the PPH program.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-5046**.

Respectfully submitted,

Date: 3/7/2011

/ Justin R. Nifong/
Justin R. Nifong
Registration No. 59,389

Olive Law Group, PLLC
130 Edinburgh South Drive, Suite 107
Cary, NC 27511
Telephone: (919) 342-6220
Facsimile: (888) 737-1649

Customer No. 79683

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/685,482	01/11/2010	Francis D. Caulfield	104/4 UTIL	7511

79683 7590 04/27/2011

OLIVE LAW GROUP, PLLC
125 EDINBURGH SOUTH DRIVE, SUITE 100
CARY, NC 27511

EXAMINER	
DUNLAP, JONATHAN M	
ART UNIT	**PAPER NUMBER**
2855	

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):

BJOLIVE@OLIVELAWGROUP.COM
JRNIFONG@OLIVELAWGROUP.COM
LPLEASANTS@OLIVELAWGROUP.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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OLIVE LAW GROUP, PLLC
130 EDINBURGH SOUTH DRIVE, SUITE 107
CARY NC 27511

In re Application of	**: DECISION ON REQUEST TO**
CAULFIELD et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/685,482	**: PROSECUTION HIGHWAY**
Filed: 11 January 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 104/4 UTIL	**: TO MAKE SPECIAL UNDER**
For: GYRATORY COMPACTOR APPARATUSES AND ASSOCIATED METHODS	**: 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 28 January 2011 and Renewed on 07 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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THOMAS FRIEND, LLC
886 INDIAN ROCK ROAD
STRASBURG VA 22641

MAILED
NOV 25 2011
OFFICE OF PETITIONS

Applicants: Jianjun Wei, et al.
Appl. No.: 12/685,487
Filing Date: January 11, 2010
Title: NANOSCALE SURFACE PLASMONICS SENSOR WITH NANOFLUIDIC CONTROL
Attorney Docket: CFDRCbet018
Pub. No.: US 20110168559 A1
Pub. Date: July 14, 2011

This is a decision on the communication received August 28, 2011, entitled "SUPPLEMENTAL DECLARATION AND REQUEST FOR CORRECTED FILING RECEIPT AND PUBLISHED APPLICATION", which is being treated as a request for a corrected patent application publication under 37 CFR 1.221(b) for the above-identified application. A reply to the request for a corrected filing receipt was mailed by the Office on September 14, 2011.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error wherein two of the inventors' names have been omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor is **not** an Office mistake, and is not a material Office error under 37 CFR 1.221(b). The Office published the inventors' names provided on the executed declaration filed with the above application. Also, the error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the 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 publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130B.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/685,490	01/11/2010	Vladimir SCEKIC	M767 0007/DHT HWS/lm	7529

720 7590 02/01/2011

OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER, BC V6B 1G1
CANADA

EXAMINER	
ART UNIT	PAPER NUMBER
3746	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@patentable.com

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www.uspto.gov

OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER BC V6B 1G1 CA CANADA

Applicant: Scekic
Appl. No.: 12/685,490
Filing Date: January 11, 2010
Title: RECIPROCATING PUMP
Attorney Docket No.: M767 0007/DHT HWS/lm
Pub. No.: US 2010/0303655 A1
Pub. Date: December 2, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on January 26, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 02/01/2011 KKING1
01/26/2011 INTEFSW 00010710 12685490
01 FC:1504 -300.00 DP

Refund Ref:
02/01/2011 0030093433

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXX2000

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.
104/4 PCT		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2010/020655	**11 JANUARY 2010 (11.01.2010)**	09 JANUARY 2009 (09.01.2009)

Applicant

TROXLER ELECTRONIC LABORATORIES, 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. 1
      ☐ as suggested by the applicant.
      ☒ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/020655

A. CLASSIFICATION OF SUBJECT MATTER

G01N 3/02(2006.01)i, G01N 3/08(2006.01)i, G01N 3/62(2006.01)i, G01N 33/24(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)

G01N 3/02; G01N 3/08; B30B 15/14

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: "gyratory,compactor,mold"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 7370574 B2 (VERNA RAFFAELLO et al.) 13 May 2008	55-66
A	See claims and Fig2	1-54,67-104
X	US 7360444 B2 (VERNA RAFFAELLO et al.) 22 April 2008	55-66
A	See claims and Fig 4-6	1-54,67-104
X	US 7121149 B2 (VERNA RAFFAELLO et al.) 17 October 2006	55-66
A	See claims and Fig 1-6	1-54,67-104
A	US 6925889 B2 (ROGER A. PYLE et al.) 09 August 2005 See abstract, claims and figs	1-104

☐ 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
20 SEPTEMBER 2010 (20.09.2010)	**27 SEPTEMBER 2010 (27.09.2010)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

JEONG, Kyoung Hun

Telephone No. 82-42-481-5517

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2010/020655

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 7370574 B2	13.05.2008	AT 443854 T	15.10.2009
		AU 2004-204491 A1	29.07.2004
		AU 2004-204491 B2	09.11.2006
		CA 2512842 C	15.06.2010
		CA 2512842-A1	29.07.2004
		CN 100470229 C	18.03.2009
		CN 100470229 C0	18.03.2009
		CN 1756947 A	05.04.2006
		DE 602004023273 D1	05.11.2009
		EP 1583954 A2	12.10.2005
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		RU 2005125427 A	10.01.2006
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		AU 2004-204491 B2	09.11.2006
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		CA 2512842-A1	29.07.2004
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		CN 100470229 C0	18.03.2009
		CN 1756947 A	05.04.2006
		EP 1583954 A2	12.10.2005
		EP 1583954 B1	23.09.2009
		US 2004-0194552 A1	07.10.2004
		US 2007-0017298 A1	25.01.2007
		US 2007-0017299 A1	25.01.2007
		US 7121149 B2	17.10.2006
		US 7370574 B2	13.05.2008
		WO 2004-063717 A2	29.07.2004
		WO 2004-063717 A3	29.07.2004
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		AU 2004-204491 A1	29.07.2004
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		CA 2512842-A1	29.07.2004
		CN 100470229 C	18.03.2009
		CN 100470229 C0	18.03.2009
		CN 1756947 A	05.04.2006

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2010/020655

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
		DE 602004023273 D1	05.11.2009
		EP 1583954 A2	12.10.2005
		EP 1583954 B1	23.09.2009
		RU 2005125427 A	10.01.2006
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		US 2004-0194552 A1	07.10.2004
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		WO 2004-063717 A2	29.07.2004
		WO 2004-063717 A2	29.07.2004
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US 6925889 B2	09.08.2005	US 2003-0075820 A1	24.04.2003
		US 2004-0123685 A1	01.07.2004
		US 6889558 B2	10.05.2005

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
BENTLEY J. OLIVE

LAW OFFICES OF BENTLEY J. OLIVE, PLLC 130
EDINBURGH SOUTH DRIVE, SUITE 107 CARY NC
27511 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**27 SEPTEMBER 2010 (27.09.2010)**
Applicant's or agent's file reference 104/4 PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/020655	**11 JANUARY 2010 (11.01.2010)**	09 JANUARY 2009 (09.01.2009)

International Patent Classification (IPC) or both national classification and IPC

G01N 3/02(2006.01)i, G01N 3/08(2006.01)i, G01N 3/62(2006.01)i, G01N 33/24(2006.01)i

Applicant

TROXLER ELECTRONIC LABORATORIES, INC. et al

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 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	20 SEPTEMBER 2010 (20.09.2010)	JEONG, Kyoung Hun Telephone No.82-42-481-5517

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/020655

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. a sequence listing filed or furnished
      ☐ on paper
      ☐ in electronic form

   b. time of filing or furnishing
      ☐ contained in the international application as filed.
      ☐ filed together with the international application in electronic form.
      ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/020655

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	1-104	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-54,67-104	YES
	Claims	55-66	NO
Industrial applicability (IA)	Claims	1-104	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 7370574 B2 (VERNA RAFFAELLO et al.) 13 May 2008
D2: US 7360444 B2 (VERNA RAFFAELLO et al.) 22 April 2008
D3: US 7121149 B2 (VERNA RAFFAELLO et al.) 17 October 2006
D4: US 6925889 B2 (ROGER A. PYLE et al.) 09 August 2005

1. Novelty and Inventive step

1.1. independent claims 1, 15, 28, 35, 50, 67

The subject matters of claims 1,15,28,35,50,67 are different from those of prior art documents in comprising a mold engaging device having carriage plates and carried by pivoted support having first carriage plate and second carriage plate. In addition, these technical features are not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, The subject matters of claims 1,15,28,35,50,67 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.2. dependent claims 2-14, 16-27, 29-34, 36-49, 51-54, 68-81

The subject matter of claims 2-14, 16-27, 29-34, 36-49, 51-54 are depending from claims 1,15,28,35,50 respectively. Therefore they are not obvious to a person skilled in the art by the documents, taken alone or in combination. The subject matters of claims 2-14, 16-27, 29-34, 36-49, 51-54 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.3 independent claims 55, 61

The subject matters of claims 55, 61 are different from those of prior art documents in providing a compressive force in a predetermined waveform. So, the subject matters of claims 55,61 meet the requirements of PCT Article 33(2) with respect to novelty. But these technical feature is obvious to a person skilled in the art by each one of the documents. Therefore, the subject matters of claims 55,61 do not meet the requirements of PCT Article 33(3) with respect to inventive step.

1.4. dependent claims 56-60, 62-66

The subject matters of claims 56-60, 62-66, which are depending from claims 55,61 respectively, specify the types of waveform. But they are also obvious to a person skilled in the art by the documents, taken alone or in combination. The subject matters of claims 56-60, 62-66 do not meet the requirements of PCT Article 33(3) with respect

Continued on Supplemental Box

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/020655

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V

to inventive step.

1.5 independent claims 82,86,90,96
The subject matters of claims 82,86,90,96 are different from those of prior art documents in comprising determining adjustments to actuation of the at least on actuator based on the measured gyratory angle and a target angle. In addition, these technical features are not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, The subject matter of claims 82,86,90,96 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.6. dependent claims 83-85,87-89,91-95,97-104
The subject matters of claims 83-85,87-89,91-95,97-104 which are depending from claims 82,86,90,96 respectively, specify the waveform. But they are also obvious to a person skilled in the art by the documents, taken alone or in combination. The subject matters of claims 83-85,87-89,91-95,97-104 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

2. Industrial applicability
The subject matters of claims 1 to 104 meet the requirements of PCT Article 33(4) because the invention can be made or used in industry.

CLAIMS

What is Claimed:

1. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, said gyratory compactor apparatus comprising:

a frame defining a frame axis and having a first mounting plate and a spaced-apart second mounting plate;

a pivoted support carried by the frame and capable of rotation in at least a first and a second rotational degree of freedom;

a mold-engaging device carried by the pivoted support and having a first carriage plate proximal the pivoted support and a second carriage plate axially spaced-apart from the pivoted support for receiving the mold therebetween, the second carriage plate being laterally moveable relative to the frame axis by rotation of the pivoted support in either of the first or second degrees of freedom; and

at least one actuator having a first end carried by the frame and a second end carried by the second carriage plate for imparting lateral translation to the second carriage plate relative to the frame axis, wherein a gyratory internal angle is defined between the frame axis and the mold axis.

2. The gyratory compactor apparatus according to claim 1, wherein the second carriage plate is axially translatable about the mold axis.

3. The gyratory compactor apparatus according to claim 1, wherein the mold-engaging device is slideably carried by the pivoted support.

4. The gyratory compactor apparatus according to claim 3, wherein the mold-engaging device further includes a translation mechanism for providing clamping forces to the mold-engaging device and imparting axial translation of the second carriage plate.

5. The gyratory compactor apparatus according to claim 1, wherein the pivoted support is a gimbal.

6. The gyratory compactor apparatus according to claim 1, further including a ram rod in generally axial alignment with the frame axis for providing rotational movement and compressive forces to the mold about the frame axis.

7. The gyratory compactor apparatus according to claim 6, further including a position sensor in communication with the ram rod.

8. The gyratory compactor apparatus according to claim 6, further including an anti-rotate plate on a distal end of the ram rod and further including a plurality of spaced-apart support beams carried on a first end about a periphery of the anti-rotate plate and carried on a second end at the second mounting plate for providing torsional rigidity to retard torsional strain imparted from rotation of the ram rod.

9. The gyratory compactor apparatus according to claim 1, wherein each actuator of the at least one actuator is a hydraulic actuator.

10. The gyratory compactor apparatus according to claim 1, wherein each actuator of the at least one actuator is independently controlled relative to each other actuator.

11. The gyratory compactor apparatus according to claim 1, further including a displacement measurement device in communication with each actuator of the at least one actuator for measuring displacement of each actuator.

12. The gyratory compactor apparatus according to claim 1, wherein each of the at least one actuators define a longitudinal axis between the first end and the second end of each actuator, and an actuation angle is formed relative to the longitudinal axis of each actuator and the frame axis, and wherein the actuation angle is about 23 degrees.

13. The gyratory compactor apparatus according to claim 1, wherein each actuator of the at least one actuator is carried by the first mounting plate.

14. The gyratory compactor apparatus according to claim 1, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

15. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, the gyratory compactor apparatus comprising:

a frame having a first mounting plate and defining a frame axis extending from the first mounting plate;

a pivoted support carried by the frame;

a first carriage plate moveable in response to movement of the pivoted support;

a second carriage plate spaced-apart from the first carriage plate, the second carriage plate being attached to the first carriage plate by at least one clamping rod extending therebetween;

a ram rod in general alignment with the second carriage plate for providing compressive and gyratory forces to a mold held between the first and second carriage plates; and

at least one actuator carried on a first end by the frame and on a second end by the second carriage plate, the actuator being operable to offset the second carriage plate relative to the frame axis such that during gyration of the mold, a gyratory internal angle is defined between the frame axis and the mold axis.

16. The gyratory compactor apparatus according to claim 15, wherein the second carriage plate is axially translatable about the mold axis.

17. The gyratory compactor apparatus according to claim 15, further including a mold-engaging device that is slideably carried by the pivoted support.

18. The gyratory compactor apparatus according to claim 17, wherein the mold engaging device further includes an actuator for imparting axial translation of and providing clamping forces to the second carriage plate.

19. The gyratory compactor apparatus according to claim 15, wherein the pivoted support is a gimbal.

20. The gyratory compactor apparatus according to claim 15, further including a position sensor in communication with the ram rod.

21. The gyratory compactor apparatus according to claim 15, further including an anti-rotate plate on a distal end of the ram rod and further including a plurality of spaced-apart support beams carried on a first end about a periphery of the anti-rotate plate and carried on a second end

at the second mounting plate for providing torsional rigidity to retard torsional strain imparted from gyration of the ram rod.

22. The gyratory compactor apparatus according to claim 15, wherein each actuator of the at least one actuator is a hydraulic actuator.

23. The gyratory compactor apparatus according to claim 15, wherein each actuator of the at least one actuator is independently controlled relative to each other actuator.

24. The gyratory compactor apparatus according to claim 15, further including a displacement measurement device in communication with each actuator of the at least one actuator for measuring displacement of each actuator.

25. The gyratory compactor apparatus according to claim 11, wherein each of the at least one actuators define a longitudinal axis between the first end and the second end of each actuator, and an actuation angle is formed relative to the longitudinal axis of each actuator and the frame axis, and wherein the actuation angle is about 23 degrees.

26. The gyratory compactor apparatus according to claim 15, wherein each actuator of the at least one actuator is carried by the first mounting plate.

27. The gyratory compactor apparatus according to claim 15, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

28. A method for testing a sample contained within a mold for a gyratory compactor apparatus, the mold defining a mold axis and the gyratory compactor apparatus having a frame that carries a mold-engaging device having a pivoted support, a first carriage plate moveable in response to movement of the pivoted support, a second carriage plate spaced-apart from the first carriage plate for receiving the mold therebetween, and at least one actuator carried on a first end by the frame and on a second end at the second carriage plate, the method comprising the steps of:

placing a mold in engagement with the mold-engaging device;

rotating the mold; and

imparting lateral displacement of the mold relative to the frame axis by actuation of the at least one actuator to thereby define a gyratory internal angle between the frame axis and the mold axis.

29. The method according to claim 28, wherein the gyratory compactor apparatus further includes a ram rod in general alignment with the mold for compacting the mold, and further including the step of compacting the mold with the ram rod.

30. The method according to claim 29, further including the step of measuring the compaction of the compacted material in the mold.

31. The method according to claim 29, wherein in the step of rotating the mold, the mold is rotated by the ram rod.

32. The method according to claim 28, further including the step of measuring the gyratory internal angle.

33. The method according to claim 32, wherein the measurement of the gyratory internal angle is measured relative to each rotation of the mold.

34. The method according to claim 28, wherein in the step of imparting lateral displacement of the mold relative to the frame axis by actuation of the at least one actuator, the at least one actuator is a hydraulic actuator in communication with a hydraulic source.

35. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, said gyratory compactor apparatus comprising:

a frame defining a frame axis and having a first mounting plate;

a pivoted support carried by the frame and capable of rotation in at least a first and a second rotational degree of freedom; and

a mold-engaging device carried by the pivoted support, the mold-engaging device comprising a first carriage plate proximal the pivoted support and a spaced-apart second carriage plate that defines a space therebetween for receiving the mold, the second carriage plate having at least one clamping rod in communication with an actuator for translating the second carriage plate about the mold axis to thereby secure the mold in the space between the first and second carriage plates.

36. The gyratory compactor apparatus according to claim 35, wherein the at least one clamping rod is slideably carried by the pivoted support.

37. The gyratory compactor apparatus according to claim 35, wherein the actuator is a pressure actuator that imparts linear translation of the second carriage plate.

38. The gyratory compactor apparatus according to claim 35, wherein the pressure actuator includes a piston slideably received within a cylinder, the piston being in communication with a pressure source for supplying pressure and in communication with a clamping plate that carries the at least one clamping rod such that translation of the piston imparts translation to the clamping plate and corresponding translation of the second carriage plate about the mold axis.

39. The gyratory compactor apparatus according to claim 35, further including a ram rod in general axial alignment with the frame axis for providing rotational and compressive forces to the mold about the frame axis.

40. The gyratory compactor apparatus according to claim 39, further including a position sensor in communication with the ram rod.

41. The gyratory compactor apparatus according to claim 39, further including an anti-rotate plate on a distal end of the ram rod and further including a plurality of spaced-apart support beams carried on a first end about a periphery of the anti-rotate plate and carried on a second end at the second mounting plate for providing torsional rigidity to retard torsional strain imparted from gyration of the ram rod.

42. The gyratory compactor apparatus according to claim 35, further including at least one actuator carried on a first end by the frame and on a second end by the second carriage plate, the actuator being operable to offset the second carriage plate relative to the frame axis such that during gyration of the mold, a gyratory internal angle is defined between the frame axis and the mold axis.

43. The gyratory compactor apparatus according to claim 42, wherein each actuator of the at least one actuator is a hydraulic actuator.

44. The gyratory compactor apparatus according to claim 42, wherein each actuator of the at least one actuator is independently controlled relative to each other actuator.

45. The gyratory compactor apparatus according to claim 42, further including a displacement measurement device in communication with each actuator of the at least one actuator for measuring displacement of each actuator.

46. The gyratory compactor apparatus according to claim 42, wherein each of the at least one actuators define a longitudinal axis between the first end and the second end of each actuator, and an actuation angle is formed relative to the longitudinal axis of each actuator and the frame axis, and wherein the actuation angle is about 23 degrees.

47. The gyratory compactor apparatus according to claim 42, wherein each actuator of the at least one actuator is carried by the first mounting plate.

48. The gyratory compactor apparatus according to claim 35, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

49. The gyratory compactor apparatus according to claim 35, wherein the pivoted support is a gimbal.

50. A method for testing a sample contained within a mold for a gyratory compactor apparatus, the mold defining a mold axis and the gyratory compactor apparatus being of the type comprising a frame that defines a frame axis, a pivoted support carried by the frame, a mold-engaging device having a first carriage plate and a spaced-apart second carriage plate moveable in response to movement of the pivoted support, the carriage plate being in communication with an actuator for translating the second carriage plate about the mold axis to thereby secure the mold in a space defined between the first and second carriage plate, the method comprising the steps of:

placing a first end of a mold into contact with a selected one of the first or second carriage plates;

actuating the actuator in order to impart translation of the second carriage plate until the second end of the mold contacts the other of the selected one of the first or second carriage plates, thereby securing the mold in the space defined between the first and second carriage plates; and

imparting rotational and compressive forces to the mold in order to compact the sample contained therein.

51. The method according to claim 51, wherein the gyratory compactor apparatus further includes a ram rod in general alignment with the mold for compacting the mold, and further wherein, in the step of imparting rotational and compressive forces to the mold, the rotational and compressive forces are applied with the ram rod.

52. The method according to claim 50, further including the step of measuring the compaction of the compacted material in the mold.

53. The method according to claim 50, wherein a gyratory internal angle is defined between the mold axis and the frame axis, further including the step of measuring the gyratory internal angle.

54. The method according to claim 53, wherein the measurement of the gyratory internal angle is measured relative to each rotation of the mold.

55. A gyratory compactor apparatus adapted to interact with a mold defining a mold axis, said gyratory compactor apparatus comprising a ram rod in generally axial alignment with the mold axis for providing compressive forces to the mold about the mold axis, wherein the compressive forces provided by the ram rod models a predetermined waveform.

56. The gyratory compactor apparatus according to claim 55, wherein the waveform is a sinusoidal waveform.

57. The gyratory compactor apparatus according to claim 55, wherein the waveform is a triangular waveform.

58. The gyratory compactor apparatus according to claim 55, wherein the waveform is a saw-tooth waveform.

59. The gyratory compactor apparatus according to claim 55, wherein the waveform is a square waveform.

60. The gyratory compactor apparatus according to claim 55, further including a signal generator in communication with the ram rod for providing the predetermined waveform.

61. A method for compacting a sample contained within a mold for a gyratory compactor apparatus of the type having a mold-engaging device, the method comprising the steps of:

placing the mold in engagement with the mold-engaging device; and

imparting compressive forces to the mold in order to compact the sample contained therein, wherein the compressive forces are imparted according to a predetermined waveform.

62. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a sinusoidal waveform.

63. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a triangular waveform.

64. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a triangular waveform.

65. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a saw-tooth waveform.

66. The method according to claim 61, wherein in the step of imparting compressive forces to the mold, the waveform is a square waveform.

67. A gyratory compactor apparatus adapted to interact with a mold that defines a first end and a spaced-apart second end, said gyratory compactor apparatus comprising a mold-engaging device having a carriage plate assembly for engaging a respective one of the first or second ends of the mold, the carriage plate assembly having a first engagement surface for engaging the respective one of the first or second ends of the mold, wherein at least one of the first engagement surface, the first end of the mold, or the spaced-apart second end of the mold defines at least one textural feature for providing anti-slip characteristics between the first engagement surface and the respective one of the first or second ends of the mold.

68. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises at least one groove.

69. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises etching.

70. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises chiseling.

71. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises sandblasting.

72. The gyratory compactor apparatus according to claim 67, wherein the textural feature comprises a friction increasing coating.

73. The gyratory compactor apparatus according to claim 67, wherein the first engagement surface defines a textural feature.

74. The gyratory compactor apparatus according to claim 67, wherein the first end of the mold defines a textural feature.

75. The gyratory compactor apparatus according to claim 67, wherein the spaced-apart, second end of the mold defines a textural feature.

76. The gyratory compactor apparatus according to claim 67, wherein the carriage plate assembly defines a second engagement surface spaced-apart from the first engagement surface and defining a space therebetween for receiving the mold, wherein the second engagement surface engages the other of the respective one of the first or second ends of the mold.

77. The gyratory compactor apparatus according to claim 76, wherein the second engagement surface defines a textural feature.

78. The gyratory compactor apparatus according to claim 67, wherein the first engagement surface defines a textural feature and the first end of the mold defines a textural feature, and further wherein the textural feature of the first engagement surface and the textural feature of the respective one of the first or second ends of the mold are configured to matingly engage and thereby increase axial friction at the engagement of the first engagement surface and the respective one of the first or second ends of the mold.

79. The gyratory compactor apparatus according to claim 67, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and having a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

80. The gyratory compactor apparatus according to claim 67, wherein the mold is a mold of the type having an elongate cylinder that defines a cavity therein for receiving the sample, and further wherein the mold does not have a peripherally extending flange extending from the cylinder at a first end and a second end thereof.

81. The gyratory compactor apparatus according to claim 67, wherein the mold is a mold of the type consisting of an elongate cylinder that defines a cavity therein for receiving the sample.

82. A method for calibrating a gyratory compactor apparatus configured to compact and impart an orbital motion to a sample in a mold that defines a mold axis, the gyratory compactor apparatus including at least one actuator for imparting lateral displacement of the mold relative to a longitudinal axis of the gyratory compactor apparatus, the method comprising the steps of:

imparting lateral orbital displacement of the mold relative to the gyratory compactor apparatus by actuation of the at least one actuator to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis;

measuring the gyratory angle;and

determining adjustments to actuation of the at least one actuator based on the measured gyratory angle and a target angle.

83. The method according to claim 82, further including the step of measuring a force exerted on the mold, and wherein determining adjustments to actuation comprises determining adjustments to actuation of the at least one actuator based on the measured force.

84. The method according to claim 82, wherein measuring the gyratory angle comprises measuring the gyratory angle relative to each rotation of the mold.

85. The method according to claim 82, wherein imparting lateral orbital displacement comprises imparting lateral orbital displacement of the mold relative to the gyratory compactor apparatus by actuation of a hydraulic actuator in communication with a hydraulic source.

86. A gyratory compactor apparatus adapted to interact with a mold that defines a mold axis, the gyratory compactor apparatus comprising:

at least one actuator configured to actuator to impart lateral orbital displacement of the mold relative to the gyratory compactor apparatus to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis; and

a control system configured to:

determine adjustments to actuation of the at least one actuator based on a measurement of the gyratory angle and a target angle; and

control actuation of the at least one actuator based on the determined adjustments.

87. The gyratory compactor apparatus according to claim 86, further comprising a force sensor configured to measure a force exerted on the mold, and

wherein the control system is configured to determine adjustments to actuation of the at least one actuator based on the measured force.

88. The gyratory compactor apparatus according to claim 86, wherein each actuator of the at least on actuator is independently controlled by the control system.

89. The gyratory compactor apparatus according to claim 86, wherein each actuator of the at least one actuator is a hydraulic actuator.

90. A method for calibrating a gyratory compactor apparatus configured to compact and impart a displacement to a sample in a mold that defines a mold axis, the gyratory compactor apparatus including at least one actuator for imparting lateral displacement of the mold relative to a longitudinal axis of the gyratory compactor apparatus, the method comprising the steps of:

inserting a moment simulation device in a mold to apply a moment;

imparting lateral displacement of the mold relative to the gyratory compactor apparatus by actuation of the at least one actuator to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis;

measuring the actual moment;

applying a compression force onto the mold to thereby generate an actual moment;

measuring at least one force applied by the at least one actuator; and

determining a relationship between the measured at least one force applied by the at least actuator and the applied moment.

91. The method according to claim 90, further comprising determining a corrective parameter for the moment simulation device based on the determined relationship.

92. The method according to claim 90, further comprising storing the corrective parameter.

93. The method according to claim 90, further comprising filtering the measurement of the at least one force.

94. The method according to claim 90, further comprising displaying the measurement of the actual moment.

95. The method according to claim 90, further comprising one of interpolating and extrapolating at least one correction for different predetermined forces exerted on the mold.

96. A gyratory compactor apparatus adapted to compact and impart an orbital motion to a sample in a mold that defines a mold axis, the gyratory compactor apparatus comprising:

at least one actuator configured to impart lateral orbital displacement of the mold relative to the gyratory compactor apparatus to thereby define a gyratory angle between the gyratory compactor apparatus and the mold axis;

a device configured to apply a compression force onto the mold;

at least one sensor configured to measure at least one force applied by the at least one actuator; and

a control system configured to control the gyratory compactor apparatus to vary the orbital motion to match a predetermined moment to be exerted on the sample.

97. The gyratory compactor apparatus according to claim 96, wherein the control system is configured to determine a corrective parameter for the moment simulation device.

98. The gyratory compactor apparatus according to claim 97, wherein the control system is configured to store the corrective parameter.

99. The gyratory compactor apparatus according to claim 96, wherein the control system is configured to filter the measurement of the at least one force.

100. The gyratory compactor apparatus according to claim 96, further comprising a display configured to display the measurement of the actual moment.

101. The gyratory compactor apparatus according to claim 96, further comprising a display configured to display one of error of the measurement of the actual moment from a target

moment, a three-dimensional representation of the actual moment, shear pressure, shear moment, and eccentricity.

102. The gyratory compactor apparatus according to claim 96, further comprising a display configured to display one of the measurement of the actual angle or corresponding error from the prescribed value, the three-dimensional representation of the angle, and average angle per gyration.

103. The gyratory compactor apparatus according to claim 96, further comprising a memory configured to store one of the measurement of the actual angle or corresponding error from the prescribed value, the three-dimensional representation of the angle, and average angle per gyration.

104. The gyratory compactor apparatus according to claim 96, wherein the control system is configured to interpolate and extrapolate at least one correction for different predetermined forces exerted on the mold.

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Pros Hwy

PTO/SB/20KR (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/685,498	Filing Date:	1-11-2010
First Named Inventor:	Francis D. Caulfield		
Attorney Docket No.:	104/5 UTIL		
Title of the Invention:	GYRATORY COMPACTOR APPARATUSES AND ASSOCIATED METHODS		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding KIPO 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 KIPO/PCT application number(s) is/are: PCT/US10/20655

The filing date of the KIPO/ PCT application(s) is/are: 1-11-2010

I. List of Required Documents:

a. **A copy of all KIPO office actions which are relevant to patentability (excluding "Decision to Grant a Patent"*) in the above identified KIPO application(s)**

☑ Is attached.

☐ Is not attached because the KIPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the KIPO in the above-identified KIPO application(s)**

☑ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

d. **(1) An information disclosure statement listing the documents cited in the KIPO 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/20KR (05-10)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

(continued)

Application No.:	12/685,498
First Named Inventor:	Francis D. Caulfield

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
1-20	35-54	Same claim language

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the KIPO application.

Signature /Justin R. Nifong/	Date 6-12-2011
Name (Print/Typed) Justin R. Nifong	Registration Number 59,389

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.
12/685,498	01/11/2010	Francis D. Caulfield	104/5 UTIL	7552

79683 7590 06/23/2011

OLIVE LAW GROUP, PLLC
125 EDINBURGH SOUTH DRIVE, SUITE 100
CARY, NC 27511

EXAMINER	
DUNLAP, JONATHAN M	
ART UNIT	PAPER NUMBER
2855	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BJOLIVE@OLIVELAWGROUP.COM
JRNIFONG@OLIVELAWGROUP.COM
LPLEASANTS@OLIVELAWGROUP.COM

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OLIVE LAW GROUP, PLLC
125 EDINBURGH SOUTH DRIVE, SUITE 100
CARY NC 27511

In re Application of
CAULFIELD
Application No.: 12/685,498
Filed: 11 January 2010
Attorney Docket No.: 104/5 UTIL
For: GYRATORY COMPACTOR APPARATUSES AND ASSOCIATED METHODS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 12 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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CHURCH STREET STATION
NEW YORK NY 100008-0770

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NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Puzant KHATCHADOURIAN, et al :
Application No. 12/685,506 : DECISION ON PETITION
Filed: January 11, 2010 :
Attorney Docket No. 953840/0002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 27, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly signed declaration and the required fee; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: PIERRE R. YANNEY
STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10018

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CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
Richard James Mazzaferri :
Application No. 12/685,507 : DECISION ON PETITION
Filed: January 11, 2010 : TO WITHDRAW FROM
Attorney Docket No. 2006579-2032 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed November 10, 2010.

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.

Additionally, the change of correspondence address is not acceptable. The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). Thus, the request to change the correspondence cannot be accepted since it is not the sole inventor or the intervening assignee that complied with the requirements of 37 CFR 3.73(b)[1].

[1] 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 properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: FOLEY & LARDNER, LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

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SCHLUMBERGER CANADA LIMITED
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EDMONTON AB T6N 1M9
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SEP 22 2010

OFFICE OF PETITIONS

In re Application of :
Graig Skeates, Gary E. Gill, Abbas Mahdi and : DECISION GRANTING STATUS
Bryan C. Linn : UNDER 37 CFR 1.47(a)
Application No. 12/685,513 :
Filed: January 11, 2010 :
Attorney Docket No.119.0014US :
For: METHOD AND APPARATUS FOR :
MULTILATERAL MULTISTAGE :
STIMULATION OF A WELL :

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 15, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Linn has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Art Unit 3676 for further processing in the normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Bryan C. Linn
11902 Shady Breeze Court
Pearland, Texas 77584

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SEP 22 2010

OFFICE OF PETITIONS

In re Application of
Graig Skeates, Gary E. Gill, Abbas Mahdi and Bryan C. Linn
Application No. 12/685,513
Filed: January 11, 2010
Attorney Docket No.119.0014US
For: METHOD AND APPARATUS FOR MULTILATERAL MULTISTAGE STIMULATION OF A WELL

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 co-inventor inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to 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: SCHLUMBERGER CANADA LIMITED
9450 17TH AVE
EDMONTON AB T6N 1M9
CANADA

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.
12/685,519	01/11/2010	Francis D. Caulfield	104/6 UTIL	7596

79683 7590 06/28/2011

OLIVE LAW GROUP, PLLC
125 EDINBURGH SOUTH DRIVE, SUITE 100
CARY, NC 27511

EXAMINER	
WILLIAMS, HEZRON	
ART UNIT	**PAPER NUMBER**
2856	

NOTIFICATION DATE	DELIVERY MODE
06/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BJOLIVE@OLIVELAWGROUP.COM
JRNIFONG@OLIVELAWGROUP.COM
LPLEASANTS@OLIVELAWGROUP.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

OLIVE LAW GROUP, PLLC
125 EDINBURGH SOUTH DRIVE, SUITE 100
CARY NC 27511

In re Application of
CAULFIELD et al.
Application No.: 12/685,519
Filed: 11 January 2010
Attorney Docket No.: 104/6 UTIL
For: CALIBRATION OF GYRATORY COMPACTOR APPARATUSES AND ASSOCIATED METHODS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 12 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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KING & SPALDING, LLP
1100 LOUISIANA ST., STE. 4000
ATTN.: IP Docketing
HOUSTON TX 77002-5213

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of
Bruce Thompson
Application No. 12/685,549
Filed: January 11, 2010
Attorney Docket No. 08876.105080

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed April 14, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on January 7, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 8, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center Art Unit 1776 for examination in due course.

/Terri Jóhnson/
Terri Johnson
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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
12/685,549	01/11/2010	Bruce Thompson	08876.105080

CONFIRMATION NO. 7662

59081
KING & SPALDING, LLP
1100 LOUISIANA ST., STE. 4000
ATTN.: IP Docketing
HOUSTON, TX 77002-5213

NONPUBLICATION RESCISSION LETTER

Date Mailed: 06/02/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/08/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MAILED

MAR 12 2012

OFFICE OF PETITIONS

MARCIA A. DEVON
DEVON & ASSOCIATES
400 OCEANGATE BLVD., SUITE 800
LONG BEACH CA 90802

In re Application of :
Blake :
Application No. 12/685,558 : DECISION ON PETITION
Filed: January 11, 2010 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. Blake, CIP :

This is a decision on the petition captioned under 37 CFR 1.78(a)(3), filed January 13, 2012. As petitioner is requesting the Office accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application, the petition will be treated under 37 CFR 1.78(a)(6).

The petition under 37 CFR 1.78(a)(6) is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This petition fails to meet requirements (1) and (3).

This pending nonprovisional application was filed on January 11, 2010. It appears petitioner desires only to claim benefit to Application No. 60/783,336, filed March 7, 2006. Please note that the above-identified nonprovisional application cannot claim direct benefit of Application No. 60/783,336, filed March 17, 2006, because the above-identified application was filed more than 12 months after the filing date of the provisional application. Application No. 11/725,010

was filed on March 16, 2007, within twelve months of the filing date of Application No. 60/783,336, filed on March 17, 2006.

However, a review of Office databases reveals that Application No. 11/725,010 does not claim the benefit of Application No. 60/783,336. Therefore, the proposed/informal amendment is improper.

Applicant must file a petition to revive under 37 CFR 1.137(b) and a petition under 37 CFR 1.78(a)(6) in Application No. 11/725,010 in order to claim benefit of Application No. 60/783,336. Then applicant must file a renewed petition in Application No. 12/685,558 accompanied by a formal amendment listing an appropriate benefit chain.

The amendment must comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

The application is being referred to Technology Center A.U. 3673 for consideration of the (1) Request to Withdraw Final Office action, filed January 13, 2012, (2) Petition to Stay Prosecution Pursuant to 37 CFR 103(a), filed January 14, 2012, and (3) reply to the November 21, 2011 final Office action, filed January 31, 2012.

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
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/685,558	01/11/2010	Monica Blake Ross	Blake, CIP	7676

33303 7590 04/02/2012

MARCIA A. DEVON
DEVON & ASSOCIATES
400 OCEANGATE BLVD., SUITE 800
LONG BEACH, CA 90802

EXAMINER	
LIU, JONATHAN	

ART UNIT	PAPER NUMBER
3673	

MAIL DATE	DELIVERY MODE
04/02/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR - 2 2012

Marcia A. Devon
Devon & Associates
400 Oceangate Blvd., Suite 800
Long Beach, CA 90802

In re Application of	:	DECISION ON THE PETITION
Monica Blake Ross	:	REGARDING REQUEST TO
Application No. 12/685,558	:	WITHDRAW FINAL OFFICE
Filed: January 11, 2010	:	ACTION
For: SHEET SET FOR A SOFA		

Applicant's petition under 37 CFR 1.181, filed January 13, 2012, requests withdrawal of the finality of the Office action mailed November 21, 2011 due to the finality of the examiner's action being premature.

The petition is **DISMISSED**.

Applicant alleges that the finality of the November 21, 2011 Office action was premature since the new grounds of rejection were not necessitated by the applicant's amendment as indicated by the examiner in the action. Applicant argues that "The new ground of rejection was not based on applicant's amendment of the claims, but on an argument made by the applicant regarding the seam".

The non-final Office action of June 29, 2011 rejected claims 1-7 and 12 under 35 USC 103 using a combination of references with the patent to Wheeler (US 6,490,741) as the base reference for these rejections. In applicant's response of October 31, 2011, claim 1 was amended to specify that "said short side of the bottom sheet forms a connected intersection with said first long side of said top sheet" and that the long side of the top sheet extends beyond the short side of the bottom sheet and "forms a 90 degree angle at the connected intersection of said first long said top sheet".

Applicant's response then goes on to argue that Wheeler does not disclose or suggest "said first short side of said bottom sheet forms a connected intersection with said top sheet" and "said opposing first long side of said top sheet extends beyond, and forms a 90 degree angle at the connected intersection, said opposing first short side of the bottom sheet".

The examiner in the Final rejection of November 21, 2011, eliminated all rejections using Wheeler as the base reference (though Wheeler was retained as a modifying reference in a rejection of claim 6). Given that, by applicant's own admission and argument, the base reference (Wheeler) used in the non-final rejection could no longer be applied due to the language added in the October 31, 2011 amendment, and that the Final rejection provided a new grounds of rejection that avoided using Wheeler as a base reference, it is not seen how one can conclude that the new grounds of rejection were not necessitated by applicant's

amendment. While the referenced argument made by the applicant regarding the seam may or may not have impacted the newly made rejection, it nevertheless cannot be concluded that the new grounds of rejection were not necessitated by applicant's amendment.

The petition for withdrawal of the finality is **DISMISSED**.

The application is being returned to the examiner to consider the amendment after final rejection filed January 31, 2012.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

Dave Talbott, Director
Patent Technology Center 3600
(571) 272-5150

snm/snm: 3/15/12
SM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: JOHNSON et al.	Attorney Docket No.: SKY1P007
Application No.: 12/685,615	Examiner: Unassigned
Filed: January 11, 2010	Group: 3749
Title: SOLAR COLLECTOR WITH END MODIFICATIONS	Confirmation No.: 7803

CERTIFICATE OF EFS-WEB TRANSMISSION
I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on January 24, 2011.

Signed: _____/Michelle Pascual/_____
Michelle Pascual

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above-identified application.

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. The Commissioner is hereby authorized to Charge Deposit Account No. 50-4481 (Order No.: SKY1P007) for the amount of $300.

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 requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

The application has been amended to contain no more than three (3) independent claims and twenty (20) total claims.

The application does not contain any multiple dependent claims.

Respectfully Submitted,
BEYER LAW GROUP LLP

/Steve D Beyer/
Steve D Beyer
Registration No.: 31,234

Date: January 24, 2011

P.O. Box 1687
Cupertino, CA 95015-1687
(408) 255-8001

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.
12/685,615	01/11/2010	Eric C. JOHNSON	SKY1P007/D024c	7803

58766 7590 02/07/2011

Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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2/7/2011

Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

In re Application of	:	
Eric C. Johnson et al.	:	DECISION ON PETITION
Application No. 12/685,615	:	TO MAKE SPECIAL UNDER
Filed: January 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. SKY1P007/D024c	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 24, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/685,704	01/12/2010	Akihisa MORIMOTO	740145-401	8007

7590 10/03/2011

ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

EXAMINER	
PERRY, ANTHONY T	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
10/03/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/685,749	01/12/2010	Kyu Ho Song	505338.2	8124

27128 7590 08/25/2010
HUSCH BLACKWELL SANDERS LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS, MO 63105

EXAMINER
LEE, CYNTHIA K

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BC

August 24, 2010

In re application of Kyu Ho Song et al. Serial No. 12/685,749 Filed: January 12, 2010 For: ELECTRODE-ACTIVE ANION-DEFICIENT NON-STOICHIOMETRIC LITHIUM IRON PHOSPHATE, METHOD FOR PREPARING THE SAME, AND ELECTRO-CHEMICAL DEVICE USING THE SAME	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed August 05, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

Doc Code: 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:	12/685,807	Filing date:	12 January 2010
First Named Inventor:	Ping C. SUI		
Title of the Invention:	DRILL BIT BEARING CONTACT PRESSURE REDUCTION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US11/25427

The international date of the corresponding PCT application(s) is/are: 18 February 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/685,807
First Named Inventor:	Ping C. SUI

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
1-47	1-47	IDENTICAL

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Marlin R. Smith/	Date 02 November 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

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.

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	12685815
Filing Date	12-Jan-2010
First Named Inventor	David Etheredge
Art Unit	3688
Examiner Name	BENNETT SIGMOND
Attorney Docket Number	203146-0001-00-US-447449
Title	System and Method for Media Monetization and Distribution

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23973

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	David Etheredge
Address	4939 Shell Stream Blvd.
City	New Port Richey
State	FL
Postal Code	34652
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Robert Cannuscio/
Name	Robert Cannuscio
Registration Number	36469

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 18,2011

In re Application of :

David Etheredge

Application No : 12685815

Filed : 12-Jan-2010

Attorney Docket No : 203146-0001-00-US-447449

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 18,2011

The request is **APPROVED.**

The request was signed by Robert Cannuscio (registration no. 36469) on behalf of all attorneys/agents associated with Customer Number 23973 . All attorneys/agents associated with Cusotmer Number 23973 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	David Etheredge
Name2	
Address 1	4939 Shell Stream Blvd.
Address 2	
City	New Port Richey
State	FL
Postal Code	34652
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: 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:	12/685,821	Filing date:	12 January 2010
First Named Inventor:	Ping C. SUI		
Title of the Invention:	BEARING CONTACT PRESSURE REDUCTION IN WELL TOOLS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US11/25430

The international date of the corresponding PCT application(s) is/are: 18 February 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/685,821
First Named Inventor:	Ping C. SUI

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 - 40	1 - 40	IDENTICAL

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Marlin R. Smith/	Date 18 August 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

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.
12/685,821	01/12/2010	Ping C. SUI	SB09009	8278

49431 7590 11/18/2011

SMITH IP SERVICES, P.C.
P.O. Box 997
Rockwall, TX 75087

EXAMINER	
DANG, HOANG C	

ART UNIT	PAPER NUMBER
3672	

NOTIFICATION DATE	DELIVERY MODE
11/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sally@smithipservices.com
mail@smithipservices.com
scrawford@smithipservices.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOV 17 2011

SMITH IP SERVICES, P.C.
P.O. Box 997
Rockwall TX 75087

In re application of
Sui et al.
Application No. 12/685,821
Filed: January 12, 2010
For: BEARING CONTACT PRESSURE REDUCTION IN WELL TOOLS

: **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 August 18, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH 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: 11/17/11

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/685,914	01/12/2010	Kenji ARITA	353668US2	8467

7590 07/25/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
THOMPSON, TIMOTHY J	
ART UNIT	**PAPER NUMBER**
2835	
NOTIFICATION DATE	**DELIVERY MODE**
07/25/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 30 2010

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re application of
Kinoshita et al.
Application No. 12/685,925
Filed: January 12, 2010
For: PARALLEL ROBOT

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 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 JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed November 10, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 12/29/10

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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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

JUL 07 2011

OFFICE OF PETITIONS

In re Application of :
Satoshi Kinoshita, et al. :
Application No. 12/685,925 : DECISION GRANTING PETITION
Filed: January 12, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 4639-106 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 24, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3656 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	DECISION
Tadafumi Yoshida et al.	:	AMENDING INVENTORSHIP
Application No. 12/686,025	:	
Filed: January 12, 2010	:	
Attorney Docket No. TMCT-18602/08	:	

This is a decision on the petition filed July 20, 2011, which is being treated under 37 CFR § 1.183 and 1.48(a) to waive the statement requirement of 37 CFR 1.48(a) (2) and (5).

The petition under 37 CFR 1.183 is **DISMISSED**.

The petition under 37 CFR 1.48(a) is **DISMISSED.**

As to the petition under 37 CFR 1.183:

Petitioner has not provided an acceptable showing that the two (2) inventors refuse to sign a statement from the persons being deleted as an inventor that the error in inventorship occurred without deceptive intention on his part as required under 37 CFR 1.48(a)(2) or that the assignee refuses to give consent to the change in inventorship. The petition indicates that any attempt to contact the two originally named inventors would be unduly burdensome and likewise attempts to contact the assignee would be burdensome. Perceived burden to petitioner is not indicative of an extraordinary situation. Petitioner must show that the originally named inventors either refuse to sign the statement of no deceptive intent or cannot be located to sign the statement. Similar showing must be provided for the assignee's statement. For this reason, the petition cannot be granted.

As to the petition under 37 CFR 1.48(a):

A grantable petition under 37 CFR 1.48(a) must be accompanied by:

(1) A request to correct the inventorship that sets forth the desired inventorship change;
(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(3) An oath or declaration by the actual inventor or inventors as required by §

1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
(4) The processing fee set forth in § 1.17(i); and
(5) 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).

The instant petition lacks items (2), (4) and (5). The $400 fee authorized by petitioner was applied towards the petition under 37 CFR 1.183. No fee was authorized for the petition under 37 CFR 1.48 which is currently $130.

Telephone inquiries regarding this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO IL 60654-5313

MAILED

MAR 06 2012

OFFICE OF PETITIONS

In re Application of	:	**DECISION**
Brujic, et al.	:	**ON PETITION**
Application No. 12/686,036	:	
Filed: January 12, 2010	:	**ACCEPTANCE OF**
Attorney Docket Number: 046434-0177	:	**COLOR DRAWINGS**

This is in response to the petition under 37 CFR 1.84(a)(2), filed April 27, 2010, for acceptance of color drawings.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

Here, the petition was accompanied by the required fee and drawings. The specification contains the appropriate language. Therefore, the petition is granted.

The application is being forwarded to Group Art Unit 2857.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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SUITE 2800
CHICAGO IL 60654-5313

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of
Brujic, et al.
Application No. 12/686,036
Filed: January 12, 2010
Attorney Docket Number: 046434-0177

DECISION
ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed April 27, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention.

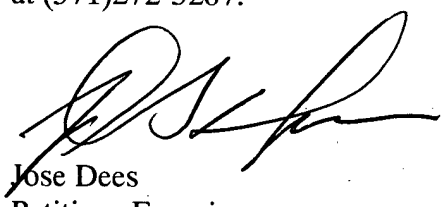
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2857 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.



Jose Dees
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MAILED

MAY 27 2011

OFFICE OF PETITIONS

GIBSON & DERNIER, LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

In re Application of :
Paul James Stevens, et. al. :
Application No. 12/686,047 : DECISION ON PETITION
Filed: January 12, 2010 : TO WITHDRAW FROM
Attorney Docket No. 509/48 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed May 9, 2011.

The request is **APPROVED**.

The request was signed by Matthew B. Dernier on behalf of himself and all attorneys/agents associated with Customer Number 27538. Therefore, Matthew B. Dernier and all the attorneys/agents associated with Customer Number 27538 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed on January 26, 2010, that requires a reply from the applicant.

All future communications from the Office will be directed to the intervening assignee who complied with the requirements of 37 CFR 3.73(b) at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Peavey Electronics Corporation
5022 Hartley Peavey Drive
Meridian, MS 39305

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
12/686,047	01/12/2010	Paul James Stevens	509/48

CONFIRMATION NO. 8732

POWER OF ATTORNEY NOTICE

27538
GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

OC000000047929999

Date Mailed: 05/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/06/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Paper No.

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909

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OFFICE OF PETITIONS

In re Application of :
Weintraub et al. : DECISION ON PETITION
Application No. 12/686,085 :
Filed: January 12, 2010 :
Atty Docket No. VZ06007C1 :

This is in response to the paper styled RESPONSE TO IMPROPER NOTICE OF ABANDONMENT filed October 18, 2011, which is properly treated as a no-fee petition to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to file a reply to the Office action mailed March 30, 2011. The non-final Office action set a three (3) month period 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 July 1, 2011. A courtesy Notice of Abandonment was mailed on October 13, 2011.

In response, applicants timely filed the instant petition. Applicants maintain that the Notice of Abandonment was sent in error as they responded in a timely manner on September 30, 2011 (with a three-month extension of time). In support thereof, applicants submit a copy of the response and extension of time as they maintain the documents were timely filed.

Applicants are correct. Their response, including a sufficient extension of time and extension fee, is present in the application with a date of receipt of September 30, 2011.

Further, the finance records for this application show that the three-month extension of time received September 30, 2011 was processed and charged to the Deposit Account on October 3, 2011.

Accordingly, the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center Art Unit 2472 has been advised of this decision. The application is, thereby, forwarded to the Technology Center support staff to withdraw the holding of abandonment and for consideration by the examiner of the response timely filed September 30, 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

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	12686106
Filing Date	12-Jan-2010
First Named Inventor	Glenn Goldstein
Art Unit	1612
Examiner Name	BENJAMIN PACKARD
Attorney Docket Number	29451-504C01US
Title	N-ACETYLCYSTEINE AMIDE (NAC AMIDE) FOR THE TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH OXIDATIVE STRESS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 30623

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Dr. Glenn Goldstein
Address	110 East 59th Street, Suite 10A
City	New York
State	NY
Postal Code	10022
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Muriel Liberto/
Name	Muriel Liberto
Registration Number	55382

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : April 19, 2012

In re Application of :

Glenn Goldstein

Application No : 12686106

Filed : 12-Jan-2010

Attorney Docket No : 29451-504C01US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 19, 2012

The request is **APPROVED.**

The request was signed by Muriel Liberto (registration no. 55382) on behalf of all attorneys/agents associated with Customer Number 30623 . All attorneys/agents associated with Cusotmer Number 30623 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	Dr. Glenn Goldstein
Name2	
Address 1	110 East 59th Street, Suite 10A
Address 2	
City	New York
State	NY
Postal Code	10022
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Decision Date : June 8,2011

In re Application of :

Mark Meyers

Application No : 12686177

Filed : 12-Jan-2010

Attorney Docket No : NOPI-0003

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 8,2011

The request is **APPROVED.**

The request was signed by Craig L. Cupid (registration no. 61308) on behalf of all attorneys/agents associated with Customer Number 23377 . All attorneys/agents associated with Cusotmer Number 23377 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Mr. Mark Meyers
Name2	
Address 1	486 Main Street
Address 2	
City	Forest Park
State	GA
Postal Code	30297
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12686177
Filing Date	12-Jan-2010
First Named Inventor	Mark Meyers
Art Unit	3728
Examiner Name	BRYON GEHMAN
Attorney Docket Number	NOPI-0003
Title	Method and System for Storage

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23377

The reason(s) for this request are those described in 37 CFR:

10.40(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	Mr. Mark Meyers
Address	486 Main Street
City	Forest Park
State	GA
Postal Code	30297
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Craig L. Cupid/
Name	Craig L. Cupid
Registration Number	61308

PTO/SB/14 (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
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.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	004068US5
	Application Number	12/686,209
Title of Invention	COMMON OPTICAL ELEMENT FOR AN ARRAY OF PHOSPHOR CONVERTED LLIGHT EMITTING DEVICES	

Mailing Address of Applicant:			
Address 1	75 Racanska		
Address 2			
City	SRCH	**State/Province**	CZ
Postal Code	533 52	**Country**[i]	CZ

Applicant 7 Remove

Applicant Authority	(•) Inventor	( ) Legal Representative under 35 U.S.C. 117	( ) Party of Interest under 35 U.S.C. 118

Prefix	**Given Name**	**Middle Name**	**Family Name**	**Suffix**
	Ladislav		TICHY	

Residence Information (Select One) ( ) US Residency (•) Non US Residency ( ) Active US Military Service

City	SRCH	**Country Of Residence**[i]	CZ
Citizenship under 37 CFR 1.41(b)[i]	CZ		

Mailing Address of Applicant:			
Address 1	75 Racanska		
Address 2			
City	SRCH	**State/Province**	CZ
Postal Code	533 52	**Country**[i]	CZ

Applicant 8 Remove

Applicant Authority	(•) Inventor	( ) Legal Representative under 35 U.S.C. 117	( ) Party of Interest under 35 U.S.C. 118

Prefix	**Given Name**	**Middle Name**	**Family Name**	**Suffix**
	Robertus	G.	~~FINK~~ ALFERINK	

Residence Information (Select One) ( ) US Residency (•) Non US Residency ( ) Active US Military Service

City	Son	**Country Of Residence**[i]	NL
Citizenship under 37 CFR 1.41(b)[i]	NL		

Mailing Address of Applicant:			
Address 1	Amerika Laan 60		
Address 2			
City	Son	**State/Province**	NL
Postal Code	5691KE	**Country**[i]	NL

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	24737		
Email Address		Add Email	Remove Email

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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,214	01/12/2010	Theresa A. Deisher	ZMOG-0117 (96-20C10)	9108

23377 7590 09/30/2011

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER	
SEHARASEYON, JEGATHEESAN	
ART UNIT	PAPER NUMBER
1646	

NOTIFICATION DATE	DELIVERY MODE
09/30/2011	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):

eofficemonitor@woodcock.com

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SEP 30 2011

Deborah A. Sawislak
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

In re Application of	:
Deisher et al	:Decision on Petition
Serial No.:12/686,214	:
Filed: 12 January 2010	:
Attorney Docket No.:ZMOG-0117 (96-20C10)	:

This letter is in response to the Petition filed on 28 March 2011 to elect to proceed under 35 U.S.C. 103(b).

The application, file history and petition have been considered carefully. Applicants have met the requirements of MPEP 706.02(n). The biological process of newly added claims 39-44 and the already-examined composition of matter claims 9-12 and 27-38 are contained in the same, wholly owned application and are all directed to a genetic process of using a composition of matter which has not been rejected under 35 U.S.C. 102 or 35 U.S.C. 103. The petition is timely because it was made prior to the payment of the issue fee or to the filing of an appeal brief in the present application.

Accordingly, the petition is **GRANTED**.

The application will be forwarded to the Examiner for consideration of the application, and for preparation of an Office action addressing Claims 9-12, 27-38 and 39-44 on the merits consistent with this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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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.
12/686,247	01/12/2010	Michael C. CHEIKY	12YH-145151	9192

30764 7590 09/29/2010

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

EXAMINER	
ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
09/29/2010	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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

In re Application of Michael C. Cheiky et al.	:	
Appl. No.: 12/686,247	:	DECISION ON PETITION
Filed: January 12, 2010	:	TO TRANSFER PAPER
Attorney Docket No.: 12YH-145151	:	
For: MULTI-ELEMENT PIEZOELECTRIC	:	
ACTUATOR DRIVER	:	

This is a decision on the petition under 37 C.F.R. §1.181, filed September 16, 2010, to transfer the Information Disclosure Statement filed September 16, 2010, from the above-identified application to application No. 12/637,627.

The petition is GRANTED.

The Information Disclosure Statement (IDS) filed September 16, 2010, contains all the proper information for application No. 12/637,627 and has been placed in the proper '627 application that it is intended for.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND OR 97204

MAILED
JUN 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Stoughton et al.	:	
Application No.: 12/686311	:	DECISION ON
Filing or 371(c) Date: 01/12/2010	:	PETITION
Attorney Docket Number: 3382-83762-04	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment § 181(a): Reply was Timely Filed," filed March 4, 2011. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed May 20, 2010. The Notice informed Applicants that Figure(s) 5, 9, 10, 11, 12, 13, and 14 appear to have been omitted from the application, and set a two (2) month period for reply from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a).

The Office previously mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice"), mailed January 29, 2010, also informing Applicants that Figure(s) 5, 9, 10, 11, 12, 13, and 14 appeared to have been omitted from the application, and set a two (2) month period for reply from the mail date of the Notice. Applicants timely filed an amendment in response to the January 29, 2010 Notice, on February 16, 2010, canceling the reference to Figures 5, 9, 10, 11, 12, 13, and 14.

The Office mailed a Notice of Abandonment on March 4, 2011, informing Applicants that the reason for abandonment was Applicants failure to file a complete and proper reply to the Notice mailed May 20, 2010.

The present petition

Applicants file the present petition and aver that a timely reply to the Notice, mailed May 20, 2010, was filed on June 11, 2010.

Analysis/conclusion

Office records confirm that Applicants timely filed a proper reply to the Notice mailed May 20, 2010, on June 11, 2010.

In view of the foregoing, the petition is granted.

The Notice of Abandonment is hereby withdrawn. The application is being returned to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries concerning this Decision only should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions